UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/1990/5/Add.53
20 November 2001

Original: ENGLISH

Substantive session of 2002

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

BRAZIL*

[21 August 2001]

* The information submitted by Brazil in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.53).

GE.01-46156 (E) 130302

CONTENTS

		Paragraphs	Page
Introduction to the report by the Minister of State for External Relations			3
I.	INTRODUCTION	1 - 22	4
II.	GENERAL INFORMATION ON BRAZIL	23 - 27	8
III.	BRAZIL'S REPORT ON SPECIFIC ARTICLES OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND ON THE HUMAN RIGHTS COVERED THEREIN	28 - 877	16
	Articles 1, 2, 3, 4 and 5	29 - 33	16
	Article 6	34 - 123	17
	Article 7	124 - 180	43
	Article 8	181 - 195	72
	Article 9	196 - 295	75
	Article 10	296 - 370	94
	Article 11	371 - 557	108
	Article 12	558 - 744	159
	Articles 13 and 14	745 - 805	205
	Article 15	806 - 877	220

Introduction to the report by the Minister of State for External Relations

The Brazilian Government is very pleased to present its initial and periodic reports to the Committee on Economic, Social and Cultural Rights, as set forth in the International Covenant on Economic, Social and Cultural Rights.

The broad intersectoral consultation process that preceded these reports and the positive and the spontaneous contributions made by civil society are worth highlighting. These efforts were coordinated by the Human Rights Committee in Brazil's lower house in Congress, the Chamber of Deputies, in a document called "The Civil Society Report on Brazil's Observance of the International Covenant on Economic, Social and Cultural Rights."

The reports we are now submitting reflect the Government's efforts to meet the commitments made to the Committee on Economic, Social and Cultural Rights. The first draft was prepared during the administration of Minister Luiz Felipe Lampreia, on the basis of work prepared by the Instituto de Pesquisa Economica Aplicada (IPEA).[1]

The Brazilian Government therefore trusts that it has addressed the rights that are promoted and protected by the Covenant, whose importance Brazil recognizes and values, and that it has done so in the proper depth and detail. The Government also trusts that the report will provide the Committee with a clear overview of Brazil's achievements in the field of human rights as well as an understanding of the nation's complexities and continuing deficiencies. This overview also describes the commitment and efforts made by the Government to promote and protect economic, social and cultural rights within a framework of full democratic freedom and economic stability, while increasingly encouraging civil society to participate in efforts to assess strategies and design public policies.

Celso LAFER
Minister of State for External Relations

I. INTRODUCTION

1. The Brazilian Government hereby presents its initial report to the Committee on Economic, Social and Cultural Rights, pursuant to article 16 of the International Covenant on Economic, Social and Cultural Rights.

2. Before beginning, however, the Brazilian Government would like to express its regrets for the delay in submitting the report. The importance of the rights covered by the Covenant, the fact that the broad nature of such rights permeates all the State's activities, and Brazil's own geographic, administrative and political complexity are just some of the factors underlying the delay in presenting this document. Nevertheless, an effort has been made to prepare a detailed report that expresses the clear progress made in promoting and protecting the human rights covered by the International Covenant without ignoring Brazil's continuing inadequacies. The report also reiterates Brazil's firm commitment to the full realization of the human rights in question.

3. Every effort was made to provide a broad range of data and to focus on periods encompassing several decades. For this reason the Brazilian Government would very much appreciate the Committee's approval of its request that this report satisfy not only the requirement in the International Covenant regarding an initial report but also the obligation to provide periodic updates to extend until the present year.

Brazil and human rights

4. Efforts to rebuild democracy and strengthen citizenship in Brazil have been accompanied by an effort to attach greater importance to human rights in general and to economic, social and cultural rights in particular.

5. Brazil is a party to all the key international and regional instruments designed to promote and protect human rights. Whether at home or abroad, the Government has always recognized the legitimacy of international concerns regarding the status of human rights anywhere in the world. Brazil feels that nations must cooperate among themselves and with the United Nations in order to effectively protect and promote such rights. We also view human rights as universal. For this reason such rights cannot be subjected to invalidation, relativism or limitations tied to peculiarities of any sort. Finally, Brazil defends a third thrust: the indivisible and interdependent nature of all human rights. No set of rights may be ranked to the detriment of any other set of rights.

6. Brazil is an active participant in forums to promote and protect human rights; it engages in a forthright, constructive and transparent dialogue with international treaty bodies and the countless mechanisms of the Commission on Human Rights of which we are members.

7. On the domestic front significant progress has been made in promoting and protecting human rights. In this regard the Federal Constitution adopted in 1988 deserves to be highlighted. The text of the Constitution has a number of clauses that buttress the promotion and protection of human rights and that have served as a source of inspiration or as a framework for subsequent legislation.[2]

8. Brazil was an active participant in the World Conference on Human Rights held in Vienna in 1993. In compliance with the Vienna recommendations Brazil created a Secretariat of State for Human Rights at a level of seniority similar to that of a ministry. Within the Ministry of External Relations a Special Department on Human Rights was also created. As part of its follow-up to Vienna, the Government also set in motion an intense programme of consultations that included civil society and that resulted in the National Human Rights Programme adopted in May 1996.

9. Among other initiatives, the National Human Rights Programme has attached priority to the following measures: (a) approving a Bill to amend the Constitution, presented by the Administration in 1996 - under this Bill, crimes against human rights would be judged by the Federal Justice System; (b) approving a Bill of Law that would transfer crimes committed by military police officers to the ordinary justice system for trial; (c) approving legislation to broaden the possibility of alternative sentencing; (d) creating and subsequently approving efforts to reform the Council for the Defence of the Rights of Human Beings in such a way as to broaden civil society participation while perfecting efforts to work together with the State; (e) expanding the Witness Protection Programme and the Programme to Provide Protection to the Victims of Crime and their Families, as part of a joint effort involving state governments and social organizations in order to combat impunity; (f) fostering innovative programmes to rehabilitate young offenders by providing community activities, professional and educational programmes and support for families and victims. The National Human Rights Programme has produced extremely positive results; it has generated a number of measures to promote and protect human rights, and has also increased awareness as to the importance of including a human rights perspective in all governmental activities.

10. The State must be decentralized, non-governmental arenas and forums for public activities must multiply and become more diverse, and civil society organizations and networks must make their voices heard. Of course, such efforts will only be feasible if civil society and its legitimate representatives participate more fully and with growing constancy in the indispensable dialogue that the Government would like to increasingly inject into public policy planning and implementation. This is particularly true in the case of policies designed for use in the struggle against poverty and social exclusion.

11. Recently, a document called "The Civil Society Report on Brazil's Observance of the International Covenant on Economic, Social and Cultural Rights" was delivered directly to the Committee by people representing Brazil's civil society and Congress. This document provides concrete evidence of the increasingly intense involvement of the public at large in discussions involving issues that interest it.

12. The Brazilian Government would like to thank the Chamber of Deputies, and particularly its Committee on Human Rights, for efforts that reinforce the view that these human rights reports can become important and substantive tools. As instruments they can be used to analyse, diagnose and support public policy-making.

13. The document mentioned above reflects the fact that a discussion of economic, social and cultural rights speaks to the Government's concerns regarding fuller participation by society. Discussions of this nature also function as a response to similar recommendations by the Committees that are part of the United Nation's system to promote and protect human rights, such as the Committee on Economic, Social and Cultural Rights.

14. One example of a topic that has merited the specific attention of organized society in Brazil is the issue of globalization, its meaning and its impact. The Civil Society Report mentioned above refers to this concern on a number of occasions. Brazil's Government shares a number of these concerns and has taken steps to forecast and reduce or else compensate for the undesirable impact on human rights caused by structural changes throughout the world. In response to these shared concerns, the Government has attempted to make important international forums aware of the need to ensure that globalization be carried out in a symmetric and supportive way. Brazil suggested to the High Commissioner on Human Rights that a Seminar on Globalization and Human Rights be held in order to advance the international debate regarding this issue.

15. Globalization is a complex theme, of course, as pointed out by the Committee on Economic, Social and Cultural Rights itself in its declaration called "Globalization and Economic, Social and Cultural Rights - Statement by the Committee on Economic, Social and Cultural Rights" in May 1988. Because of the importance of the statement and because it is so fully in line with the Brazilian Government's own concerns regarding globalization, paragraph 4 of that Declaration is quoted below:

> "All of these risks can be guarded against, or compensated for, if appropriate policies are put in place. The Committee is concerned, however, that while much energy and many resources have been expended by governments to promote trends and policies that are associated with globalization, insufficient efforts are being made to devise new or complementary approaches that could enhance the compatibility of competitiveness. Efficiency and economic rationalism must not be permitted to become the primary or exclusive criteria against which governmental and inter-governmental policies are evaluated."

16. Currently efforts are under way to pursue the domestic reforms that will be required if Brazil is to be modernized, however without ignoring the need to ensure that structural adjustment programmes also include social development goals, particularly those that fight poverty and exclusion. Details can be found below in the sections of this report on the individual articles of the International Covenant on Economic, Social and Cultural Rights.

17. An example of such concerns is the creation of the so-called "Social Safety Net" which comprises 22 government programmes designed to provide basic social services to low-income groups. The Social Safety Net was designed as part of a Loan Contract between Brazil and the Inter-American Development Bank (IDB) in 1999. Although implemented during tight budget periods, aggravated by the international financial crises of the late 1990s, the Safety Net guaranteed continued investments in social programmes. With regard to funds, the annual

contract target was set at Cr$ 11.3 billion; in fact, investments in the full set of programmes totalled Cr$ 11.8 billion in one year, equivalent to 104 per cent of the agreed target. With regard to actual implementation, almost all the project activities surpassed the targets that had been set. Thanks to the Safety Net 72.6 million school books were distributed in 1999; 16.8 million pregnant women and children received vaccines; 2.6 million workers were trained; and 145,000 children and adolescents put their years of grim and degrading child labour behind them by returning to school.

18. Brazil needed to overcome a number of major barriers comprising fiscal adjustment programmes and a series of international financial crises before it could implement wide-ranging social policies. Nevertheless, federal government expenditures on social programmes continued to increase, beginning at a level of Cr$ 77.7 billion in 1993 and increasing to Cr$ 114.7 billion in 1998. This steady growth was confirmed by per capita federal expenditures on social programmes which increased from Cr$ 515.2 in 1993 to Cr$ 710.7 in 1998. Brazilian spending on social programmes expressed as a percentage of GDP remained constant at a level of about 21 per cent, one of the highest percentages in Latin America.

19. Gains in efficiency have been the result of institutional reforms involving basic social services, particularly in the areas of social security, health, welfare and education. The changes in question have been both deep and broad. They have included a number of ambitious goals: increasing the quality and coverage of services in order to eliminate socially unfair mechanisms affecting access to benefits provided by such programmes; reinforcing decentralization and control by society over the implementation of such programmes; and creating restrictions on the reproduction of traditional practices of cronyism in order to increase the redistributive impact of the Government's programmes.

20. In concluding this introduction to the report, the Brazilian Government would like to point out two methodological issues.

21. The first involves the difficulty in strictly obeying the order of the questions in the Committee's guidelines on the form and content of reports to be submitted (document HRI/GEN/2, 14 April 2000). The myriad rights covered by the International Covenant are always very broad and sometimes interdependent. Naturally enough, they range widely over a cross-section of issues. Therefore, on a number of occasions it has become necessary to choose to address a given question in a different part of the report in order to maintain a logical and methodological sequence.

22. The second issue involves the data utilized. Currently, Brazil is still in the midst of taking its National Census. This census is held once every 10 years and allows the diagnosis of Brazil's reality to be updated while also permitting a proper assessment of public policies. Nevertheless, the Government does have annual surveys of a sectoral nature at its disposal; data from such surveys were used in preparing this report. The results of the broader and more detailed study of the nation which will be available next year may change some of the assessments that are found in this report and in certain cases may actually depict a brighter situation.

II. GENERAL INFORMATION ON BRAZIL

23. In September 1994, Brazil submitted its core document (HRI/CORE/1/Add.53), a report containing general information on the country. The report was officially circulated beginning 10 January 1995. Currently, Brazil is still conducting its National Census and its results and evaluations will not be available for several months. An updated survey of Brazilian data on a national scale will without a doubt also lead to revisions when analysing a number of different questions. The new data will make it easier to provide a diagnosis and will permit an assessment of evolving efforts to promote and protect economic, social and cultural rights.

24. As an example of the significance of data regarding Brazil, it can be pointed out that the last census figures (from the 1996 census) estimated Brazil's population at 157 million people (77.4 million men and 79.6 million women). Current estimates indicate that these numbers have grown to a total of 164 million people this year. Based on the two censuses, while urban dwellers comprised 72.6 per cent of Brazil's population in 1990, that figure may be as high as 76.4 per cent by the end of this year.

25. In order to minimize distortions arising from the gap between the comprehensive statistical data on Brazil available from the 1996 census and the data reflecting today's reality, this report will address the individual articles of the Covenant by drawing on more recent sectoral data.

26. For the record, more recent information is also available regarding the institutional and legal framework for the promotion and protection of rights covered by the International Covenant on Economic, Social and Cultural Rights. In the wake of the World Conference on Human Rights held in Vienna in 1993, Brazil created a Department on Human Rights and Social Themes within the Ministry of External Relations. A very senior Executive Branch office was also created, called the Secretariat of State for Human Rights. Brazil was also a pioneer in preparing and adopting a National Plan on Human Rights at the federal level. This instrument, designed to promote evaluations, commitments and activities, is currently being revised and enhanced in light of past experience as well as in light of the dynamics of human rights themselves.

27. The following tables include up-to-date information covering: Brazil's demographic profile and geographic distribution; the gross domestic product; the gross domestic product per capita; foreign direct investments; the national privatization programme; Brazil's balance of trade; external economic indicators; open unemployment rates by sector of activity; open unemployment rates by metropolitan region; the labour force vocational training programme; agrarian reform-rural settlements; agrarian reform-expropriations; numbers of students registered in primary schools (grades 1-8); higher education; community health agents; family health teams; and the programme to eradicate child labour.

Table 1

Population and territory*

(estimates in February 2000)

Regions	Population	Territory (km²)
South-east	69 858 115	927 286.2
North-east	46 289 042	1 561 177.8
South	24 445 950	577 214.0
North	12 133 705	3 869 637.9
Centre-west	11 220 742	1 612 077.2
Total*	163 947 554	8 547 403.5

Source: Brazilian Institute of Geography and Statistics - IBGE.

* Excluding the islands of Martim Vaz e Trindade.

Table 2

Gross domestic product - GDP

Year	In millions of CrS for 1999	Real percentage variation	Current prices in millions of US$
1990	810 896.73	(-)4.3	469 318
1991	819 248.97	1.0	405 679
1992	814 825.02	(-)0.5	387 295
1993	854 914.41	4.9	429 685
1994	904 926.91	5.9	543 087
1995	943 114.82	4.2	705 449
1996	966 201.66	2.7	775 475
1997	1 003 056.94	3.6	801 662
1998	1 001 853.27	(-)0.1	775 501
1999	1 010 068.47	0.8	556 837

Source: Central Bank of Brazil - BACEN.

Note: The dollar reduction in GDP for the period between 1998 and 1999 was the result of more flexible exchange rates instituted in January 1999.

Table 3

Gross domestic product per capita

Year	In millions of Cr$ for 1999	Real percentage variation	Current prices in millions of US$
1990	5 627.67	(-)5.5	3 257.09
1991	5 595.66	(-)0.6	2 770.88
1992	5 480.25	(-)2.1	2 604.82
1993	5 664.20	3.4	2 846.86
1994	5 909.03	4.3	3 546.27
1995	6 072.11	2.8	4 541.94
1996	6 148.01	1.2	4 924.21
1997	6 283.40	2.2	5 021.81
1998	9 192.31	(-)1.4	4 793.26
1999	6 160.92	(-)0.5	3 396.43

Source: Central Bank of Brazil - BACEN.

Note: the reduction in dollar per capita GDP for the 1998 and 1999 period was the result of the changes in the foreign exchange rate instituted in January 1999.

Table 4

Foreign direct investments (net)

US$ billions

Period	Direct investments in the private sector	Direct investments in the privatization programme	Total
1995	4.3	-	4.3
1996	7.3	2.6	9.9
1997	11.8	5.2	17.0
1998	20.0	6.1	26.1
1999	21.2	8.8	30.0

Source: Central Bank of Brazil - BACEN.

Note: This table also includes operations in local currency, commodities conversions and reinvestments.

Table 5

National privatization programme: 1991-1999

(US$ millions)

Sector	Companies	Sale	Debts transferred	Total
Steel	8	5 562	2 626	8 188
Petrochemicals	27	2 698	1 003	3 701
Railways	7	1 698	0	1 698
Mining	2	3 305	3 559	6 864
Telecommunications	25	26 970	2 125	29 095
Energy	3	3 907	1 670	5 577
Others	16	1 401	343	1 744
Shareholdings	0	1 040	0	1 040
Federal	88	46 581	11 326	57 907
State	29	23 724	5 311	29 035
Total	117	70 305	16 637	86 942

Source: National Economic and Social Development Bank - BNDES.

Table 6

Brazilian balance of trade

(US$ millions)

Year	Exports	Imports	Balance
1990	31 414	20 661	10 753
1991	31 620	21 041	10 579
1992	35 793	20 554	15 239
1993	38 555	25 256	13 299
1994	43 545	33 079	10 466
1995	46 506	49 972	(-)3 466
1996	47 747	53 346	(-)5 599
1997	52 994	59 749	(-)6 755
1998	51 140	57 730	(-)6 590
1999	48 011	49 210	(-)1 199

Source: Ministry of Development, Industry and Foreign Trade.

Table 7

External indicators (in %)

Period	Exp./ GDP	Imp./ GDP	Balance of trade/GDP (exp -imp.)	Real fund transfers sent abroad/GDP[1]	Net income sent abroad/ GDP[2]	Net external savings/GDP[3]	Transfers for payment abroad/ GDP[4]	Debt service/ exp.[5]	Exp. non-factor goods and services/total foreign debt	Foreign debt/GDP	Trade flows/GDP
1990	6.7	4.4	2.3	1.7	2.7	0.8	3.9	25.8	28.1	26.3	11.1
1991	7.8	5.2	2.6	1.9	2.7	0.3	3.4	38.0	27.7	30.5	13.0
1992	9.2	5.3	3.9	3.4	2.4	(-)1.6	1.8	34.8	28.7	35.1	14.5
1993	9,0	5.9	3.1	2.2	2.7	0.1	0.9	43.1	28.6	33.9	14.9
1994	8.0	6.1	1.9	1.1	1.9	0.3	0.5	38.9	31.6	27.3	14.1
1995	6.6	7.1	(-)0.5	(-)1.4	1.8	2.6	0.6	46.1	31.2	22.6	13.7
1996	6.2	6.9	(-)0.7	(-)1.6	1.7	3.0	(-)1.4	56.9	28.3	23.2	13.0
1997	6.6	7.6	(-)1.0	(-)2.2	2.2	4.2	(-)2.8	76.3	28.7	24.9	14.2
1998*	6.6	7.4	(-)0.9	(-)1.9	2.7	4.3	(-)4.0	96.7	23.9	30.2	14.0
1999**	7.7	8.3	(-)0.6	(-)1.7	3.5	4.8	0.5	144.7	22.6	37.9	16.1

Source: Central Bank of Brazil - BACEN.

[1] Real fund transference abroad is equivalent to the non-factor balance of goods and services.

[2] Net income sent abroad is equivalent to net payment of factors.

[3] Net foreign saving is equivalent to current factor transactions, transações correntes fatores.

[4] Net transfers abroad are equivalent to the difference between net income sent abroad and net income from funds (outside of unilateral transfers).

[5] Debt service only covers debt payments and interest rates.

* Preliminary data.

** Accumulated data for the 12 months ending in September.

Table 8

Open unemployment rate by sector of activity

Period	Processing industries	Building trades	Retail sales	Services
Average for 1997	6.92	6.28	6.34	4.45
Average for 1998	8.96	8.93	7.96	6.04
Average for 1999	8.23	9.41	8.06	6.07

Source: Central Bank of Brazil - BACEN.

Table 9

Open unemployment rate by metropolitan region

Period	Recife	Salvador	Belo Horizonte	Rio de Janeiro	São Paulo	Porto Alegre
Average for 1997	5.89	7.73	5.09	3.73	6.60	5.47
Average for 1998	8.69	9.27	7.18	5.40	8.59	7.28
Average for 1999	8.17	9.94	7.69	5.40	8.30	7.22

Source: Central Bank of Brazil - BACEN.

Table 10

Programme to provide vocational training for workers

Period	Trainees (in thousands)	Funds spent (in millions)
1995	153	28
1996	1 198	220
1997	2 001	348
1998	2 400	414
1999	2 600	356

Source: Ministry of Labour and Employment.

Table 11

Agrarian reform: rural settlements

Year	Families settled	Settlement projects
1995	42 827	314
1996	61 674	433
1997	81 944	637
1998	101 094	850
1999	85 327	489
Total	372 866	2 723

Source: Agrarian Development Ministry.

Table 12

Agrarian reform: expropriations

Period	Hectares expropriated
1985/89	4 191 147
1990/93	2 775 282
1993/94	1 086 546
1995/98	7 321 270
1999	1 463 844

Source: Agrarian Development Ministry

Table 13

Primary education (grades 1-8): number of students registered (in thousands)

Period	Grades 1-4	Grades 5-8	Total
1996	20 027	13 104	33 131
1997	20 568	13 661	34 229
1998	21 333	14 459	35 793
1999	21 014	15 157	36 171

Source: Ministry of Education.

Table 14

Higher education: evolution by administrative hierarchy

Period	Federal	State	Municipal	Private	Total
1990	308 867	194 417	75 341	961 455	1 540 080
1991	320 135	202 315	83 286	959 320	1 565 056
1992	325 884	210 133	93 645	906 126	1 535 788
1993	344 387	216 535	92 594	941 152	1 594 668
1994	363 543	231 936	94 971	970 584	1 661 034
1995	367 531	239 215	93 794	1 059 163	1 759 703
1996	388 987	243 101	103 339	1 133 102	1 868 529
1997	395 833	253 678	109 671	1 186 433	1 945 615
1998	408 640	274 934	121 155	1 321 229	2 125 958

Source: Ministry of Education.

Table 15

Community health agents, number of agents, number of municipalities served

Period	No. of agents	No. of municipalities
1994	29 098	879
1995	34 546	1 088
1996	44 532	1 470
1997	54 934	2 203
1998	88 961	3 541
1999	111 659	4 052

Source: Ministry of Health.

Table 16

Family health teams, number of teams and municipalities served

Period	No. of teams	No. of municipalities
1994	328	55
1995	724	150
1996	847	228
1997	1 623	567
1998	3 147	1 117
1999	4 945	1 870

Source: Ministry of Health.

Table 17

Programme to eradicate child labour

Period	No. of children served	Cr$ in millions
1996	3 710	0.93
1997	37 025	14.44
1998	117 200	37.88
1999	145 507	82.75

Source: Secretariat of State for Social Welfare.

III. BRAZIL'S REPORT ON SPECIFIC ARTICLES OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND ON THE HUMAN RIGHTS COVERED THEREIN

28. Brazil signed the International Covenant on Economic, Social and Cultural rights, and then ratified it on 24 January 1992. The Covenant went into effect in Brazil on 24 February 1992. It was enacted by Decree 591, dated 6 July 1992.

Articles 1, 2, 3, 4 and 5

29. Brazil was a Portuguese colony until 1822. It is now a sovereign and independent nation with full competence within its political, legal and administrative jurisdiction to determine the constitutional principles that form the basis for its organization of society and for suitable legislation to be used in regulating and disciplining that society. Brazil has no colonies, nor does it administer any territory aside from its own. The rights of peoples to self-determination and the principle of non-intervention are fundamental tenets of Brazil's Constitution and guide the country's actions abroad. The corollaries of these precepts are the defence of peace and peaceful dispute settlement, both of which are also enshrined in the Constitution. International cooperation is another principle found in Brazil's Constitution.

30. Brazil is a country where democracy and basic human rights are fully protected by law, where citizenship is promoted and where enforcement of political pluralism guides the political process. It is a country where both men and women who are citizens may freely choose their representatives by direct, secret and universal suffrage. Political statutes are freely chosen just as economic, social and cultural development are subject to no restraints.

31. The Brazilian State strives to guarantee the full exercise of the rights recognized by the International Covenant to the greatest degree possible given its resources, and it does so in a manner that is progressive but irreversible.

32. Brazilians and foreigners in Brazil enjoy equal rights with the exception of a very few constraints which in no way flout article 2, paragraph 3, of the International Covenant on Economic, Social and Cultural Rights. For example, foreigners have the right to own property. This right must be exercised in light of the social function of property, which means that the State may decide to expropriate that property when justified by genuine public need or social interests and as long as it provides proper monetary compensation. Limitations to ownership of assets found underground are applied across the board with no distinction by nationality, and economic activity is primarily based on private enterprise and free competition with full respect for individual rights to property and to the free exercise of any legal economic activity. The State has taken on a growing role as a regulatory agent and as the key player in certain strategic economic sectors.

33. In addition to the clauses enshrined in the Constitution which were described above, in Brazil there are a number of legal and administrative rulings which prohibit and fight discrimination in all its forms, while also trying to correct such situations. Vulnerable groups and minorities enjoy special treatment as a result of their characteristics. This report expands on these aspects and elucidates the relevant legislation in detailed comments on other articles under the International Covenant.

Article 6

34. In its guidelines the Committee requests information on the following international instruments:

(a) ILO Employment Policy Convention, 1964 (No. 122). Brazil ratified Convention No. 122 on 24 March 1969 and is concluding the report to be submitted to the ILO this year on the implementation of the Convention in Brazil. According to the ILO, a database is being prepared on employment policy which in turn will be based on information contained in the reports from 30 countries that were chosen because of their punctuality in complying with the Convention and the quality of such efforts. Among these countries is Brazil;

(b) ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) Brazil ratified the Convention on 26 November 1965; its most recent report was submitted in 1999. The ILO Committee of Experts has made note of the progress achieved by Brazil in the implementation of the Convention. The Group's last observation stated its interest in the measures adopted to implement the Convention, both in the form of legislation and also in practice;

(c) The International Convention on the Elimination of All Forms of Racial Discrimination. Brazil signed the Convention on 7 March 1966. The National Congress approved it on 21 June 1967 via Legislative Decree No. 23. Ratification occurred on 27 March 1968 and the Convention was then enacted on 8 December 1969. It actually went into effect in Brazil on 4 January 1969. Thus far Brazil has presented 10 reports to the Committee on the Elimination of Racial Discrimination, thereby providing the Convention with a broad and current view of Brazil's status in this regard. The next periodic reports to be presented are currently under preparation. With regard to the International Convention on the Elimination of All Forms of Racial Discrimination, it should also be said that the President of Brazil sent the National Congress a message in September requesting approval as set forth in the optional declaration under article 14. This would allow Brazil to recognize the jurisdiction of the Committee for the receipt and analysis of complaints of violations of those human rights covered by the Convention. Finally, another matter worth mentioning is the proposal Brazil submitted to the Organization of American States regarding the drafting of an Inter-American Convention against Racism, Racial Discrimination and Related Intolerance. The Brazilian Government's proposal is designed to perfect the promotion and protection of human rights covered by the International Convention at the regional level;

(d) The Convention on the Elimination of All Forms of Discrimination against Women. Brazil signed the Convention on 31 March 1981. The National Congress approved it on 14 November 1983 via Legislative Decree 93. The reservations attached to articles 15, paragraph 4, and 16, paragraph 1 (a), (c), (g) and (h), were withdrawn via Legislative Decree 26 of 22 June 1994. The Convention was ratified on 1 February 1984 and enacted by Decree 89460, on 20 March 1984. The Convention has been in effect in Brazil since 21 March 1984. The report to be submitted to the Committee created by the Convention has just begun to be prepared. With regard to the human rights of women, it is worth mentioning that the Brazilian Government is currently concluding an analysis regarding the signing of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by United Nations General Assembly resolution 54/4 of 6 October 1999. At the international level the Optional Protocol has not yet gone into effect.

Overview of the labour market/labour market indicators

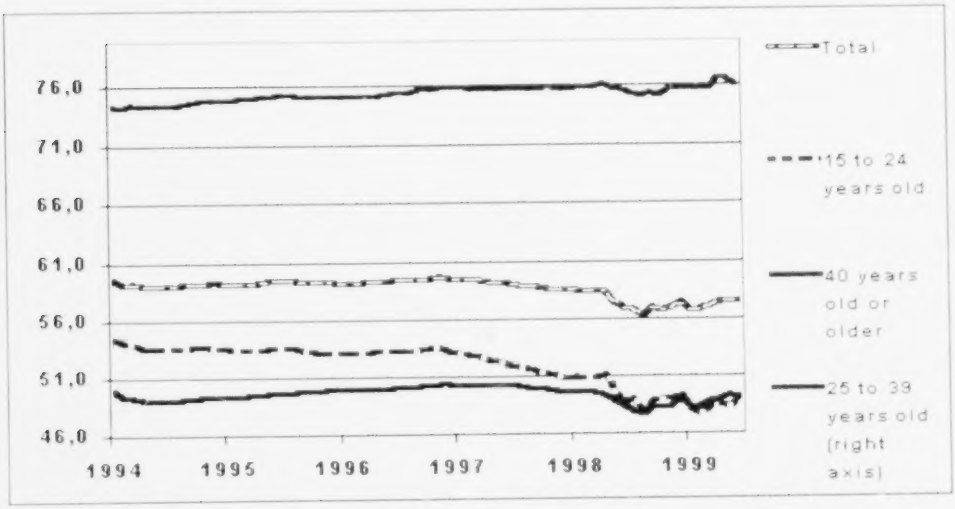
35. The Brazilian labour market has undergone deep-seated modifications with a significant impact on the life of workers. The key variable to be monitored in assessing such an impact is the increase in unemployment rates. However, this variable alone is not enough to reflect some of the most fundamental aspects of the analysis.

36. The Brazilian Government feels that the factors mentioned below should be taken into consideration when analysing transformations of the labour market in Brazil.

37. One change in the labour market can be evaluated by examining the way in which participation in that market has evolved over recent years. The participation rate is obtained by examining the percentage of the population that has a job or is in search of a job and comparing it to the active age population. This measure is designed to measure just how attractive the labour market is vis-à-vis other alternatives, for example, continuing (or even returning to) one's studies or taking care of one's children. Chart 1 represents the evolving situation between 1994 and 1999 for Brazil's population as a whole with a breakdown for three age groups: 15 to 24 years of age; 25 to 39 years of age; and 40 years and older. The difficulties encountered by workers during the period in question are reflected in the drop in the participation rate for the population as a whole, with the annual average dropping from 59.19 per cent in 1994 to 57.04 per cent in 1999. Nevertheless, this figure does not fully reflect different variations by age group. In effect, for the group between ages 25 and 39 (an age that usually reflects the peak of one's capabilities in the labour market) the annual average increased from 74.5 per cent in 1994 to 75.81 per cent in 1999. However, among younger workers the decline was more significant, moving from 53.76 per cent in 1994 to 48.61 per cent in 1999.

Chart 1

Total participation rate and participation rate by age bracket in metropolitan areas in Brazil (%)



Source: Monthly Employment Survey (SME), IBGE.

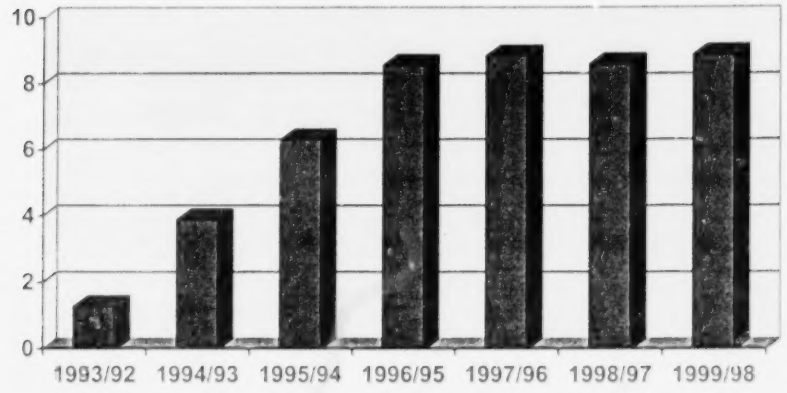
38. One can reach at least two conclusions based on the above data. The first conclusion is that the labour market for people between the ages of 25 and 39 is becoming more attractive as companies increasingly seek out more experienced and more highly qualified workers such as those that are typically found in the age bracket of the so-called "mature youths" who, in turn, are attracted to the labour market by increases in income. The second conclusion is that, because companies are requiring a more highly qualified labour force, during the period in question younger people tended to put off their entry into the labour market, presumably because they spent more time in traditional schools or in acquiring vocational or technical training.

The evolution of jobs

39. The evolution of jobs in the 1990s is probably the most important factor of all. It is also the point that has attracted the most attention from the public in general and from public servants in particular. According to data from the monthly survey produced by the IBGE, or Brazilian Institute for Geography and Statistics, covering six metropolitan regions (Rio de Janeiro, São Paulo, Porto Alegre, Belo Horizonte, Recife and Salvador), the number of openings in the labour market grew strongly until 1996. At that point the graph flattens out (see chart 2). Despite the concerns that arise from this observation, the Brazilian Government feels that it is important to keep three important points in mind. First, the evolution of the job market is not the same across the board for workers when they are broken down by years of schooling, by age or by economic sectors. Second, the relative stagnation regarding the number of openings in the labour market cannot be attributed in a simple and linear fashion to the lack of dynamism displayed by Brazil's economy. Third, the data alone do not reflect a significant recovery in the number of jobs that began in mid-1999 and continued throughout the year 2000.

Chart 2

Accumulated variation in the job market in metropolitan Brazil (%)

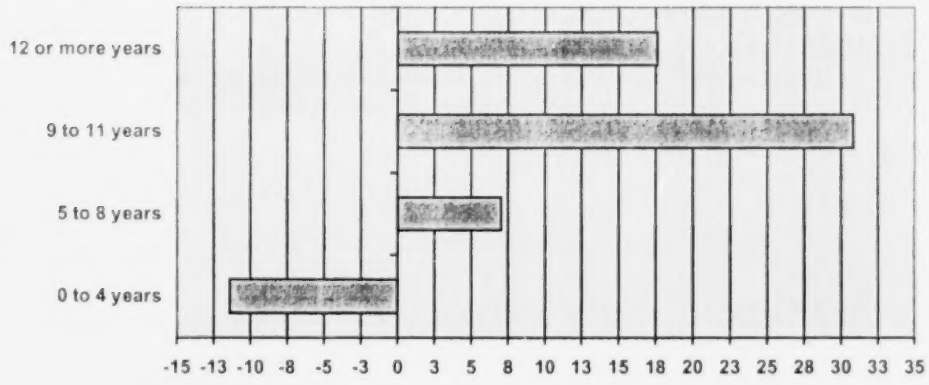


Source: SME-IBGE.

40. Charts 3 and 4 (based on data from the National Residential Sample Survey run by the IBGE) reveal that the evolution in the job market was not always the same when broken down among workers by years of schooling. From 1995 to 1999, significant job elimination was only found in the case of workers with less years of schooling (0 to 4 years). For the workers in the other categories, particularly those with 9 to 11 years of schooling (partial or complete secondary education) job opportunities increased significantly.

Chart 3

Growth rate in jobs by years of schooling 1995-99 (%)



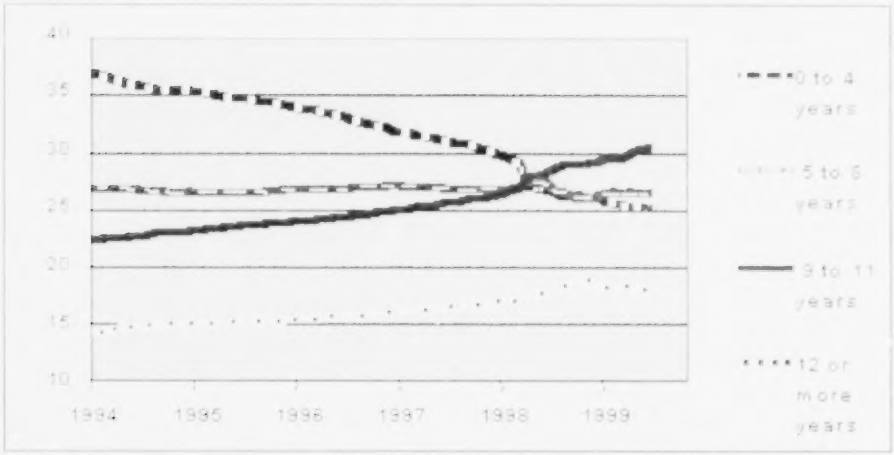
Source: National Residential Sample Survey (PNAD), IBGE.

41. These developments had a profound impact on the composition of jobs when broken down by years of schooling in Brazil. The data which pertain to the metropolitan regions (SME/IBGE database) show a drastic drop in the number of workers with less years of schooling among those with formal jobs for the period between 1994 and 1999. Furthermore, the figures show that workers in the intermediate schooling category (from 5 to 8 years of schooling) kept up their participation during that same period. Those who truly benefited from the changes were workers with more years of schooling (between 9 and 11, and 12 or more years of schooling).

42. Therefore, one can conclude that with regard to allegations of the stagnation of the labour market a more detailed analysis is required because the concept of participation in the job market alone is not enough to reflect the profound changes in the labour force in Brazil.

Chart 4

Job breakdown by years of schooling, metropolitan regions in Brazil (%)

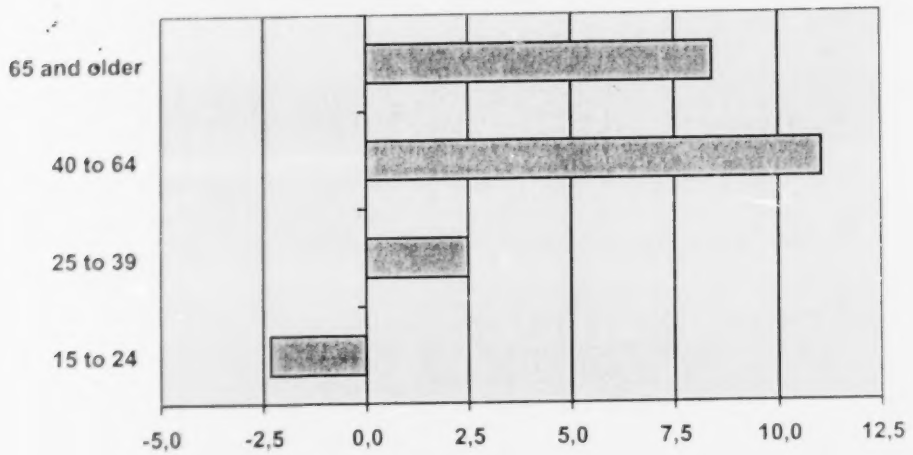


Source: SME-IBGE.

43. A similar phenomenon becomes evident when analysing the growth of jobs for Brazil as a whole by age groups (PNAD/IBGE database). In 1995-1999 (please see chart 5) all age groups showed an increase in the number of jobs available to them, except for young people between the ages of 14 and 15.*

* The data in chart 5 are different from those in chart 1, because the first chart comprises the entire country whereas the latter chart covers metropolitan regions only.

Chart 5. Increase in the number of jobs available by age group, 1995-99 (%)

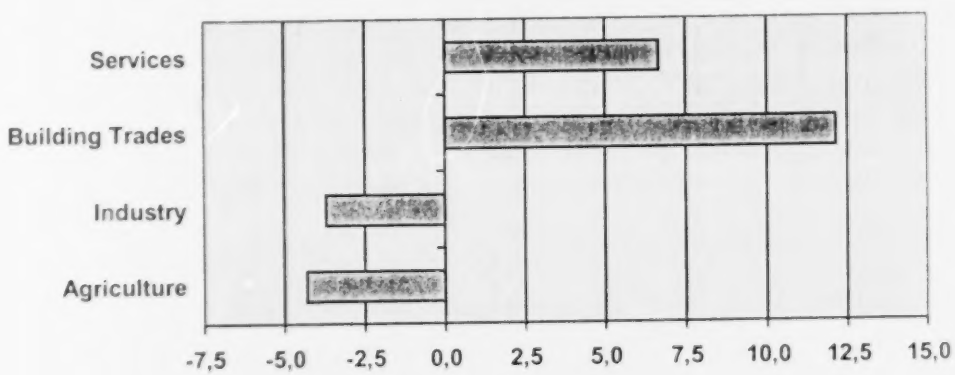


Source: PNAD-IBGE.

44. The Brazilian Government stresses the fact that the drop in the number of jobs for younger age groups does not necessarily represent a phenomenon that should concern us. The phenomenon may be caused by the fact that these young people are spending more time on their formal education or in vocational training courses.

45. The situation is repeated (please see chart 6) with regard to the growth rate for jobs when broken down by sector in the economy between 1995 and 1999. During that period, Brazil lost jobs in the industrial and agricultural sectors but gained jobs in the building trades and services sectors.

Chart 6. Growth rate in jobs by economic sector 1995-99 (%)

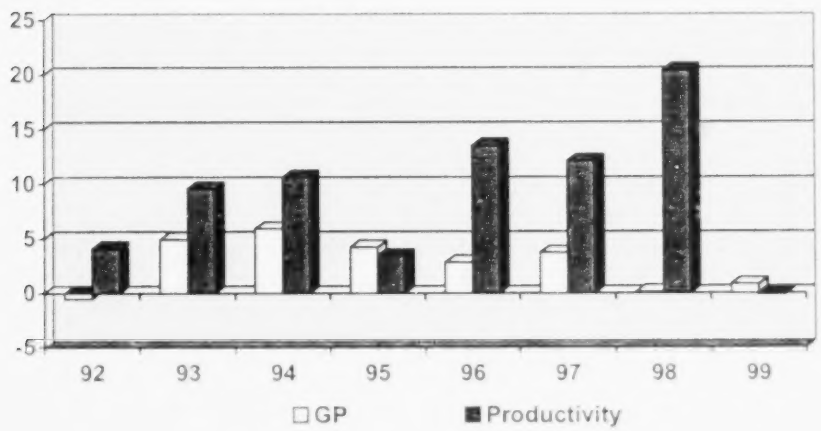


Source: PNAD-IBGE.

46. Any analysis of Brazil's economic performance in the 1990s should strive to avoid misconceptions vis-à-vis that performance and its alleged stagnation. Similarly, caution should be exercised when an attempt is made to link the status of the Brazilian job market to a statement that stagnation occurred. With the exception of the period between 1998 and 2000, Brazil's rate of economic growth beginning in 1992 was considerably higher than that of the previous decade. Any assessment should take the significant productivity gains shown by Brazil's economy during the same period into account as well. In fact, if the number of jobs did not grow as much as in recent times, the cause is probably the fact that the productivity rates for jobs have increased more rapidly than the GDP.

Chart 7

Growth in GDP and productivity of labour in industry, 1992-99 (%)



Source: IBGE.

47. In the 1980s labour productivity was practically stagnant; in the 1990s vigorous productivity growth was observed. This leads one to the supposition that the economy did not lose any of its dynamism, but instead that productivity grew at a rate that was higher than that of the economy as a whole. Therefore, the problem of the number of jobs generated does not have anything to do with the dynamism of the economy but, instead, is linked to factors which in turn tie into the job market itself and how it works. These factors need to be properly analysed and handled so that the small number of jobs being generated does not turn into higher levels of structural unemployment in the future.

48. First, the low numbers of new jobs is associated with the rapid growth of productivity in the job market. Available information on productivity gains in Brazil's economy leave no doubt as to this factor. On the one hand, productivity gains decrease job generation in relation to any given growth rate in the economy; on the other hand, they mean that better quality goods can be produced while using less effort by workers and fewer resources in general. This leads to reductions in production costs and consequently to lower prices for products, which in turn explains the large increase in consumers observed in the Brazilian market in recent years.

49. At the same time, productivity gains are the only way to ensure greater competitiveness abroad and higher salaries over the long term. The world's major markets developed precisely as a result of substantial productivity gains and increases in real salaries. The Brazilian Government feels that any effort to simply stop the productivity increase process under the pretext that it would generate jobs over the short term would be a mistake.

50. Finally, it should be underscored that data regarding employment up until 1999 do not reflect the reaction that has occurred this year. The year 2000 has, in fact, been characterized by a significant reaction with regard to job creation. Data regarding the formal job market supplied by the General Registry of Employed and Unemployed Persons (CAGED) indicates that 284,000 jobs were created between January and April of this year. The SME/IBGE data for metropolitan regions in Brazil (between January and April 2000) in turn indicate a surplus of 600,000 jobs (independently of the position occupied) vis-à-vis the same period during the previous year.

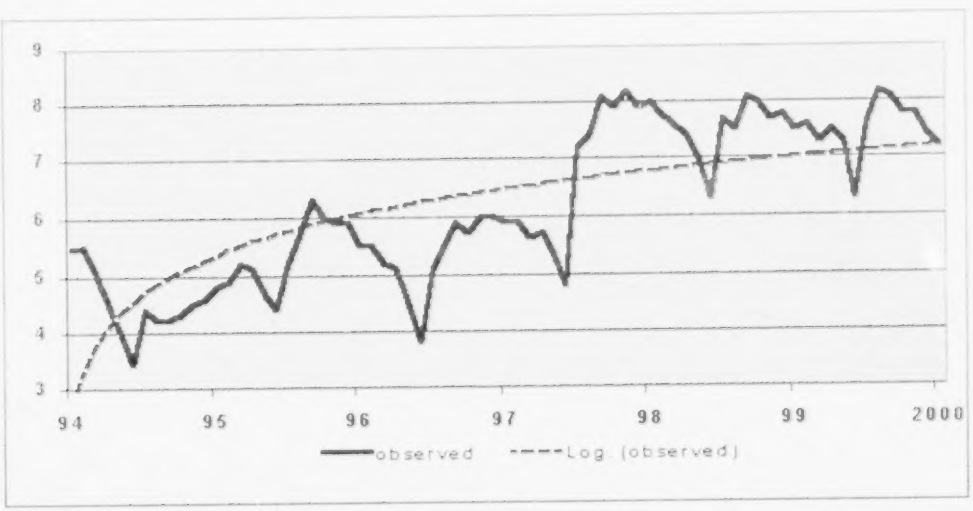
Unemployment rates and the informal job market

51. Unemployment rates have increased significantly in recent years. Although this phenomenon continues to be seasonal (please see chart 8), annual average rates have increased quite a bit and have tended to stabilize at historically high levels. These unemployment rates are nevertheless considered to be reasonable in international terms.

52. Before continuing, it should be noted that the positive reaction of the job market this year has led to slight drops in unemployment. The drop in unemployment has occurred slowly, for reasons that will be discussed later in this paper.

Chart 8

Unemployment rate, metropolitan Brazil (%)



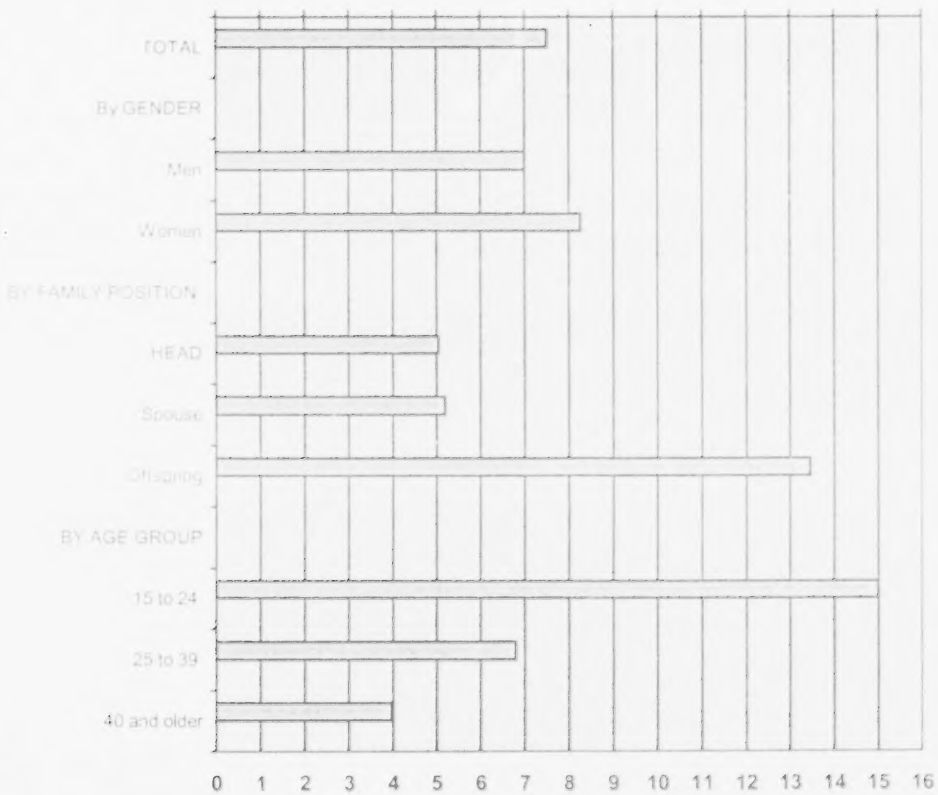
Source: SME-IBGE.

53. The increase in the unemployment rate has been caused by a number of factors. In addition to the productivity gains mentioned above, in the case of Brazil the macroeconomic programmes adopted in response to the Asian crisis (1997), the Russian crisis (1998) and, finally, as a result of Brazil's own foreign exchange crisis in early 1999 have also had an effect. On these occasions the Government was forced to adopt measures that although severe from a fiscal point of view, were justified by the need to preserve Brazil's macroeconomic stability.

54. In terms of public policies, it should be stressed that unemployment does not affect all social groups equally. A more detailed analysis indicates just which groups are harmed most. As can be seen in chart 9, unemployment rates are higher among women than among men; they are also higher among the offspring rather than heads of families and spouses (in 1999 the unemployment rate for heads of household was approximately 5 per cent, whereas among their children it was over 13 per cent); among workers over the age of 40 the unemployment rate hovered around 4 per cent and among young people in general it was 15 per cent. The statistics mentioned above indicate that heads of household, who produce more family income than other family members, have thus far suffered less from unemployment.

Chart 9

Average unemployment rate, 1999, metropolitan Brazil (%)



Source: SME-IBGE.

55. Since the early 1990s the Brazilian Government has detected an increase in the number of people working in the informal job market. However, available data and the reflections mentioned above lead one to the diagnosis that this phenomenon is not related to a drop in the dynamism of the economy as a whole. Instead, the increase in the informal job market should be explained after examining other factors that explain the way in which the job market itself works.

56. Naturally enough, there are a number of reasons for the existence of an informal job market in Brazil, including the disincentives caused by the Social Security System and Brazilian labour laws, and the peculiarities of the micro- and small businesses where a great many informal workers are concentrated. Nevertheless, two of these factors are fundamental. The first involves the fact that the new forms of production and labour relations tend to increase the number of self-employed workers, thanks to outsourcing. In other words, a number of the responsibilities that used to be carried out within companies have now been outsourced, which in turn has reduced the number of people who are directly employed by such companies. The second factor is the relative increase of jobs in the services sector to the detriment of jobs in the industry sector. Because the services sector is more likely to generate informal jobs, the increased importance of the services sector alone is enough to explain the growing number of informal jobs in the labour market.

Wages

57. The question of informal jobs draws our attention to the precarious nature of labour relations caused by the loss of workers' rights and even of remuneration. Nevertheless, available indicators do not provide clear information regarding a possible link between an increase in the number of informal jobs and an increase in the precarious nature of such activities, especially with regard to income, as can be seen by the data in chart 10.

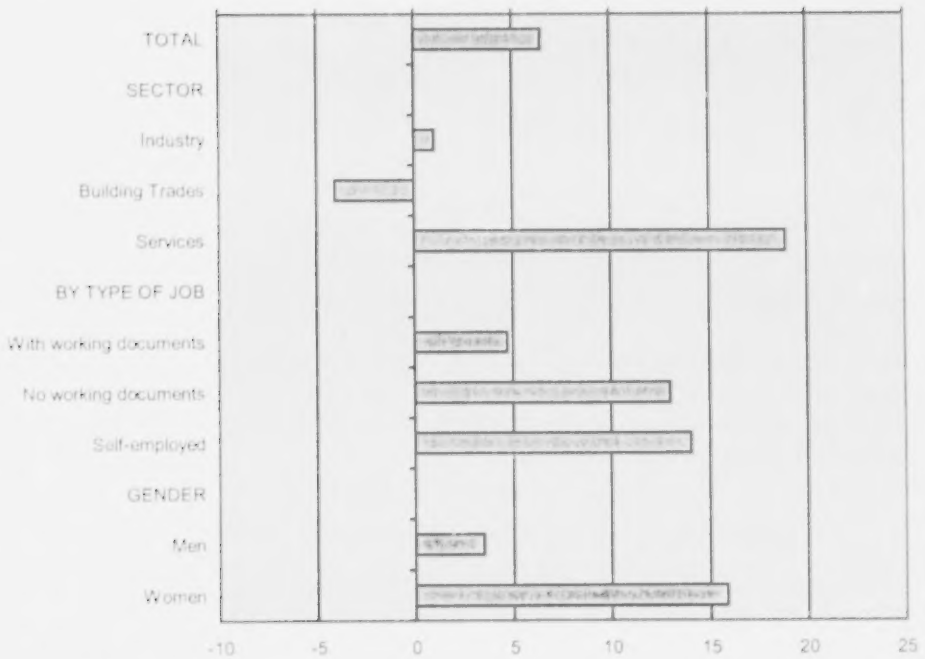
58. Despite the fact that growing numbers of workers do not use proper labour documents or are self-employed, it is precisely these two groups of workers that have enjoyed the greatest increase in income since 1991. It should also be underscored that chart 10 reveals that the services sector (which is more likely to generate informal jobs) is precisely where workers showed the greatest positive variation in wages. Furthermore, for the period in question women received wage increases that were substantially higher than for men.

Public policies for income and wages

59. Brazilian government programmes that fall within the purview of the Ministry of Labour and Employment are based primarily on three pillars: first, measures designed to create a public employment system and second, measures designed to increase job opportunities by providing credit. Finally, measures to modernize the regulatory framework that governs relations between management and labour.

Chart 10

Variation in real average wages, 1991-99 (%)



Source: SME-IBGE.

60. The public employment system being created in Brazil centres on the Unemployment Insurance Programme. The Programme is responsible for the three basic thrusts of employment policies: to begin with, benefits from the unemployment insurance programme, which provides temporary financial assistance to unemployed workers whenever they have been laid off; then, employment intermediation designed to put the worker back into the job market quickly and easily, by reducing costs and waiting periods incurred by both wage earners and employers; finally, professional training programmes, designed to train workers and increase their employability, thus contributing to their professional entry and/or reintegration into the job market.

61. Usually these activities are run in a decentralized way via the National Employment System (SINE), formed by private organizations hired by the State Labour Secretariats in conjunction with other partnerships involving professional education programmes, universities, the "S" System, trade unions and others. Local Employment Commissions are also involved in such efforts.

62. Between 1986 and 1999, approximately US$ 23.5 billion were spent on unemployment insurance; jobs were found for 43,701,063 of the 45,626,413 applicants, which is equal to an eligibility rate of 95.78 per cent. The average benefits for the period in question were 1.54 minimum monthly wages. During the four-year period 1991-1994, the number of workers receiving unemployment insurance each month averaged 316,000, which is equivalent

to an annual average of approximately 3.8 million people. For the four-year period 1996-1999, the number of workers receiving unemployment insurance averaged 363,000 a month, equivalent to an annual average of 4.3 million people. In fact, 1995 can be considered to be a "watershed" year, separating two different patterns with regard to the number of workers receiving unemployment insurance each month.

63. In 1999, 4.2 million workers benefited from this programme, which cost a total of Cr$ 3.83 billion, equivalent to approximately 2.13 billion dollars, or 0.4 per cent of Brazil's GDP. In macroeconomic terms these expenditures are important because the volume of money injected into the economy was helpful in attenuating the impact of unemployment. Average benefits in 1999 were 1.55 minimum monthly wages, representing approximately 34.0 per cent of the average real wages of salary earners in the main metropolitan regions in Brazil, a number that is equivalent to figures observed in other countries.

64. The Manpower Intermediation Programme is one of the key thrusts of the National Employment System - SINE. SINE provides this interface by drawing on information from workers that seek out SINE services in search of jobs and by drawing on information regarding the requirements for positions to be filled and available through the System. This intermediation involves the following activities: workers go to SINE counters or offices and register. Information on job opportunities is received from prospective employers, and the workers who have registered are then referred to employers who give them jobs. Over the last four years these variables have grown considerably with the progressive increase in the "number of positions found" and the number of employees "placed" in these positions. The surge in the number of openings and people who found jobs in 1999 was impressive. This relates to an ongoing process under which "administrative competition" has been created among public organizations (State Labour Secretariats) and private organizations (trade unions), thus contributing significantly to SINE system results.

65. In 1995, the Minister of Labour and Employment created the National Worker Qualification Plan (PLANFOR) for the purpose of coordinating, mobilizing and optimizing the capabilities, competence and resources available for the provision of vocational education in Brazil, by developing and strengthening a national network of public and private agencies. The idea is that the network will provide enough qualification programmes to meet the needs of at least 20 per cent of the economically active population (EAP) per year.

Table 18

Manpower Intermediation: comparisons for the years 1995-1999

Variables	1995	1996	1997	1998	1999	1996/95	1997/96	1998/97	1999/98
Registered workers	1 127 436	1 320 766	1 859 336	3 124 079	3 763 187	17.14%	40.78%	68.02%	20.46%
Openings	380 714	385 645	452 166	653 392	1 043 771	1.29%	17.25%	44.50%	59.75%
Referrals	638 623	635 878	774 151	1 074 931	1 665 778	-0.42%	21.75%	38.85%	54.97%
Job placements	149 399	154 958	210 060	287 580	422 498	3.72%	35.56%	36.90%	46.98%

Source: CSINE/CGEM/DES/SPPE/MTE.

66. The second basic pillar for government labour policies involves the Employment and Income Generation Programmes, which focus primarily on micro- and small businesses, cooperatives and the informal sector of the economy. Credit lines and training programmes are matched to produce jobs and income. The programmes involved in this effort are called PROGER (Job Creation and Income Generation Programme), Rural PROGER and PRONAF (National Programme to Strengthen Family Farming).

67. Created in 1995, PROGER has become one of the stronger tools available to Government and society when extending credit lines to small and very small businessmen and women in urban and rural areas, as well as their associations and self-employed workers. The programme has also helped promote family farming in partnership with the Ministry for Agrarian Development by providing funds through PRONAF. From mid-1995 until December 1999, PROGER signed contracts for 2.07 million credit operations, spending a total of Cr$ 9,560,000,000 (equivalent to approximately US$ 8,020,000,000). The average contract was worth Cr$ 4,605 (approximately US$ 3,860).

68. It is estimated that PROGER created or saved approximately 3.5 million jobs between 1995 and 1999, whereas PRONAF created or saved approximately 8.3 million jobs during the same period. This information is drawn from an evaluation carried out by the Brazilian Institute for Social and Economic Analyses (IBASE).

69. In addition to the programmes that target small and very small businessmen and women, it is worth mentioning two additional programmes. These are the Programme to Foster Jobs and Improve the Quality of Life of Workers (PROEMPREGO) and the Programme to Expand Job Opportunities and Improve the Life of the Worker (PROTRABALHO). These two programmes focus on strategic sectors that are fundamental to sustained development and the improvement of the quality of life for workers (such as mass transportation, infrastructure for tourism, and infrastructure works designed to increase Brazil's competitiveness).

70. PROEMPREGO was created by the Deliberative Council of the Worker Protection Fund (CODEFAT). Its purpose is to create new jobs, enhance income for workers, provide better quality of life for the population at large (particularly low-income groups) and reduce production costs vis-à-vis international standards. At the same time the programme strives to preserve and expand job opportunities while guaranteeing a proper balance in terms of the environment. The financial arm of the Programme is handled by the Brazilian Economic and Social Development Bank (BNDES), Brazil's national development bank, which provides funding to the Fund to Support Workers (FAT) to be used in making investments in the following subsectors: mass transportation, infrastructure to improve competitiveness, environmental sanitation, infrastructure for tourism and revitalization of industrial subsectors. Since it was created in 1996, PROEMPREGO has invested more than Cr$ 5 billion.

71. PROTRABALHO was also created by CODEFAT. PROTRABALHO was designed to provide investments in economic and social infrastructure projects in the north-eastern region of Brazil and in the northern part of the State of Minas Gerais. The idea is to increase the number

of direct and indirect jobs, to enhance the competitiveness of the production sector, to finance sectors that are strategic to regional development and to improve the quality of life of workers. The principle subprogrammes under PROTRABALHO are projects that focus on integrated development hubs, basic sanitation, garbage recycling and tourism. By the end of 1999 PROTRABALHO had handled approximately Cr$ 500 million.

72. Finally, there is the Programme of Credit Lines for Grass-Roots Production, which seeks to do three things: first, to guarantee the feasibility of new funding mechanisms to be used in generating jobs and income to meet the needs of low-income groups, while also allowing workers in the informal sector, among others, to access such credit. The monies may be used for the purpose of self-employment or to form labour cooperatives that allow such people to survive, grow and eventually legalize their businesses; second, to create investment alternatives to generate jobs, particularly among very small businesses; third, to increase the productivity of the undertakings covered by the Programme by providing incentives to fixed investments in association with management training for the entrepreneurs. Such efforts will minimize business risks and allow these very small businesses to grow, while encouraging them to legalize their operations. Between 1996 and March 2000, the Programme had handled a portfolio of over Cr$ 60 million, comprising past and ongoing transactions as well as those still under analysis.

73. The third basic pillar involves institutions whose activities range from labour market functions to activities leading to more mature labour relations. The degree and the nature of market regulation can ease or constrain the capacity of the job market to respond to economic growth; it can attenuate or aggravate conflicts between management and labour. Therefore, another set of federal government programmes targets the need to reform labour relations in Brazil. Such a change is required to ensure that labour relations will adjust to new standards of negotiation between management and labour that will be more fully in line with the current social, political and economic dynamic in Brazil. Institutions involved in the labour market must adapt their operations, as must labour legislation, to the requirements of an open and competitive economy. This would ease the transition to a system of negotiations that would be nimble, flexible and democratic as opposed to the current system, which is characterized by being rules-based, rigid and authoritarian.

74. Efforts to modernize labour relations in Brazil advocate the free convergence of interests as the proper way in which to settle disputes, instead of denying interests or shifting the responsibility for handling such problems to the State. The idea, therefore, is to create a democratic system that will seek solutions to labour issues by following a path of understanding with a view to allowing players to settle their own issues.

75. The new framework of labour relations vis-à-vis employment policies will play an important role in providing workers with greater decision-making power in the workplace. More room for negotiation generates greater flexibility regarding the job, thus avoiding situations where lay-offs would be the inevitable result of an economic adjustment process at the company level.

76. In order to attain these objectives the Federal Government has defined a set of reforms, notably, alterations in the 1988 Constitution and in the Consolidated Labour Laws (known as the CLT). The idea is to strengthen the hand of trade unions, adopt labour union plurality as a way to make worker representation more democratic, eliminate compulsory union dues and change the pace and nature of the transition. The result should be a system that will be less rule-based and more apt to involve negotiations.

Encouraging productivity

77. The Brazilian Government's policy for the labour market is designed primarily to increase the number of jobs; however it also seeks to increase productivity. The intermediation system is a tool designed to fight the unemployment that results from the very slow information flows regarding the supply and demand of jobs. This programme seeks to increase the allocative efficiency of labour vis-à-vis real and potential demand, which evidently will lead to gains in the form of increased productivity in the workplace.

78. Another institution that is contributing in a decisive way to increase productivity is the professional qualifications training system.

79. Credit programmes targeting job creation are, in part, implicitly designed to transform the actual working conditions in Brazil, which translates into obvious results in terms of increased productivity in the workplace. PROEMPREGO, for example, was created by a law which states that the Programme is "... designed for investments in mass transportation; environmental sanitation; infrastructure for tourism; works of infrastructure targeting improved competitiveness in Brazil; and revitalization of industrial subsectors in regions suffering from unemployment". In addition to the direct objective of job creation, employment policies that use credit lines are also designed to be a tool to improve industrial policy, infrastructure policy, and regional policies.

80. Similarly, the Government's economic policy, designed primarily to achieve macroeconomic stability, also enhanced the productivity of labour (see chart 7). Some people believe that the increase in productivity in turn led to a reduction in the creation of new jobs. As far as the Brazilian Government is concerned, restructuring production is imperative if the Brazilian economy is to increase its competitiveness. Competitiveness will also depend on more years of schooling and better professional qualifications among the labour force at large. These measures will, in turn, create new jobs and income opportunities for Brazilians, the ultimate objective of economic growth.

81. The next question addresses provisions in Brazil that guarantee freedom of choice regarding jobs and the non-violation of fundamental, political and economic freedoms at the individual level, as a result of conditions in the workplace. The Brazilian Government feels that article 5, paragraph XIII, of the Federal Constitution of 1988 is worth quoting: "Anyone may freely practise any work, trade or profession, pursuant to laws on required professional qualifications".

82. The constitutional provision mentioned above stipulates freedom to work and recognizes the individual freedom to exercise any type of socially useful activity, as long as certain conditions are fulfilled (professional qualifications) when so determined by law.

83. Other provisions of the 1988 Federal Constitution also determine the right to a job, albeit indirectly, by guaranteeing the right to unemployment insurance in cases of involuntary unemployment (art. 7, para. II). In Brazil, this benefit takes the form of monetary payments during a certain period after the worker has been laid off due to no fault of his or her own. The money is meant to provide them with a livelihood until they find a new job in the labour market. The enforcement of such mechanisms is an additional protection to the right to work.

84. Article 5, paragraph XIII, of the Constitution not only guarantees the right to work in a broad fashion, but also assumes that the fundamental economic and political freedoms of citizens will be respected so that they can exercise their right to any job, craft or profession. Continuing with an examination of the Constitution's handling of this issue, it is worth mentioning that an additional guarantee is enshrined in paragraph VIII of article 5, which determines that "no one shall be deprived of any rights by reason of religious belief or philosophical or political conviction, unless he invokes it to exempt himself from a legal obligation required of all and refuses to perform an alternative obligation determined by law".

85. In regard to fundamental economic freedoms, the Constitution guarantees the right to receive the minimum monthly wage needed to cover the basic and vital needs of the family (housing, food, education, health, leisure, clothing, hygiene, transportation and social security). The minimum monthly wage is subject to periodic readjustments, which attempt to bring it more closely in line with indicators on buying power. The issue of the actual worth of the minimum monthly wage involves not only the considerations mentioned above but also the need to foster economic development and growth. Brazil has attempted to balance both thrusts despite short-term difficulties. This issue is hotly debated by Brazilian society.

Capacity-building

86. Any discussion of technical and professional training programmes should include a description of the National Worker Qualification Training Plan (PLANFOR), which began in 1996 as part of a social development project designed and implemented by the Government. PLANFOR is part of the active policy framework adopted by the Public Employment System which, in turn, is financed by FAT. It includes unemployment insurance, intermediation for manpower requirements and programmes to generate jobs and income. PLANFOR was created not as a mass training programme, but above all, as a strategy to coordinate, strengthen and/or restructure vocational training possibilities. This is a key factor in the gradual and participatory construction of public policies targeting jobs and income generation, enhanced competitiveness and the promotion of equal opportunities in the labour market. Two mechanisms were gradually developed in order to implement PLANFOR and were geared to follow guidelines regarding participation, decentralization and the strengthening of local implementation capabilities.

87. The first mechanism comprises the State Qualification Plans (PEQs), under the coordination of the State Secretariats of Labour. This mechanism is implemented via agreements involving the state governments, the Ministry of Labour and Employment, and the Secretariat for Public Policies and Employment. The mechanism is subject to the approval of State Employment Committees and to negotiations with Municipal Employment Committees. The second mechanism involves national and regional partnerships implemented via agreements, technical cooperation accords, protocols of intent with governmental and non-governmental organizations (labour unions, associations, foundations and universities) designed to implement programmes and projects at the regional or national level after approval by CODEFAT.

88. Another PLANFOR priority involves programmes to provide training or retraining for workers with insufficient schooling, for employees that have been affected by production restructuring programmes or technological modernization programmes, for beneficiaries of unemployment insurance, small farmers, and workers in the informal market in urban and rural areas. PLANFOR also develops methods and produces studies and educational materials to provide support for professional qualification training activities.

89. PLANFOR's overarching goal is to provide public education that will be capable of training at least 20 per cent of the economically active population over the medium and long term. In numbers, this translates into approximately 15 million people (PLANFOR estimates that the economically active population over 16 years of age - the minimum age for the workplace - comprises more than 70 million people, whether employed or not). The 20 per cent target mentioned above can be explained in light of the view that this is the minimum level required to guarantee that every worker will have the chance to undergo refresher training every five years, although the Government does recognize that this in and of itself is not enough, given the transformations in the worldwide economy and labour market.

90. PLANFOR has trained retrained 8.3 million workers since its inception, in a major effort to increase the skills and productivity of Brazil's work force, by investing Cr$ 1.4 billion during this period. In 1999, approximately 2.6 million workers drawn from the economically active population in urban and rural areas were trained or retrained at a cost of Cr$ 356 million from FAT. This money was spent on economic sectors such as, agriculture, fishing, industry, the building trades, tourism, public administration, health, education, culture and others. Efforts to provide professional training under the aegis of PLANFOR have already involved over 70 per cent of Brazil's 5,500 municipalities. Special emphasis has been placed on the poorest regions because PLANFOR has been instructed to focus on the "tip" where the most vulnerable segments of the population are concentrated. These low-income groups are the victims of a social, economic and cultural divide and, for this very reason, find it harder to access other vocational training alternatives.

91. PLANFOR is also involved in other social welfare and human rights programmes, with a view to promoting equal opportunity in the workplace and development accompanied by social equity. These training programmes target women, Afro-Brazilians, the handicapped, civilian and military police, prisoners, caregivers for the elderly and educators in day-care centres for small children. In line with the focus on sustainable development, PLANFOR is promoting a new and original effort to increase schooling levels for men and women who work in Brazil. As part of

this effort, 3,000 distance education classrooms are being set up throughout Brazil to transmit the Telecurso 2000 programme. When necessary, adaptations are included to meet the needs of the hearing impaired.

92. The Government's intention is to improve services provided to groups that would have no other enhancement opportunities if not for such pro-active policies. This is because of the poverty and the low schooling levels in these groups (including the unemployed, young people seeking their first jobs, people employed on small farms, owners of small urban businesses, as well as the population groups mentioned above who are the priority for social and human rights programmes). PLANFOR also reflects the Government's intentions when it targets sectors and activities deemed to have great potential for job and income generation. These sectors will be able to provide jobs to those in training. Examples include tourism, small farms (including rural settlements in support of the Agrarian Reform Programme), and export activities at a micro- and small business level).

93. In quantitative terms and in terms of the innovations under implementation, there has never been a programme as ambitious as PLANFOR in all of Brazil's history. The Brazilian Government believes that this programme has no equal elsewhere in Latin America either. During the second implementation phase in 1999-2002, PLANFOR intends to consolidate the progress achieved thus far via efforts to build a new system of public educational institutions in Brazil and to include the topic of "training" on the public employment system's agenda.

94. The guidelines on the form and content of reports to be submitted to the Committee on Economic, Social and Cultural Rights suggest that constraints and efforts to overcome them be reported. The Brazilian Government would like to thank the Committee for the opportunity to describe the difficulties met in attempting to reach full employment, while underscoring the tremendous effort being made to overcome such difficulties. The section of this report that addresses labour market indicators mentioned the fact that unemployment in Brazil, particularly in recent years, has involved more than the mere absence of economic growth. Unemployment also involves the proportionally larger increase in economic productivity in comparison with actual output/production increases for the same period. However, this point should not be assessed in a negative way because productivity gains also indicate improved international competitiveness and open up significant prospects over the medium- to long-term that may benefit the very men and women who work. The fact that the economy rebounded so strongly, especially in 2000, was expected to reduce current unemployment rates. However, as was also mentioned above, this reduction will probably be rather slow because of the fact that increased participation rates reveal pressure in terms of the supply of jobs.

95. With regard to the right to work, the Brazilian Government has concentrated its efforts in recent years on two major interconnected and interdependent thrusts: first, the implementation of policies to foster job creation, vocational training and worker protection (these policies were described above in the comments on various other items); second, the modernization of labour law institutions with a view to creating conditions favouring the expansion of quality jobs, reducing the costs of hiring the labour force, and injecting energy into the dialogue between management and workers. On the one hand, the current labour regulation system is still excessively rules-based and dependent on State decisions. It is marked by a predominance of

conflicts. On the other hand, one finds an increasingly open economy and the aspirations of a democratic and participatory society. Measures adopted by the Government in the field of labour relations are being designed to overcome the gap. It is generally felt that labour laws unified under the CLT include rules that are so rigid and specific that they are totally outdated with regard to new production paradigms and labour force management requirements. Furthermore, such legislation is excessively burdensome in terms of the labour costs involved. The Federal Constitution enacted in 1988 did in fact make significant progress in terms of individual and collective freedoms, as well as in regard to the prestige that attaches to labour negotiations. Even the Constitution, however, left a part of the old regulatory system governing labour markets intact. An example is the closed trade union model that allows unions to enjoy a monopoly in terms of representation and that levies compulsory union dues that all workers must pay.

96. Government initiatives designed to modernize labour relations have focused primarily on two dimensions: first, changes in the legal and judicial framework and second, the development of a culture of negotiations involving all players in the production system. Both types of initiatives have increased the dialogue involving management confederations, trade union confederations and other organizations that represent the public in Brazil.

97. A number of changes in legislation have come into force. Several of them are worth highlighting because of the expected impact on job levels and expected changes in terms of relations between management and labour:

(a) Wage de-indexation (Provisional Measure 1950-59 of 6 January 2000), complementing Brazil's economic stabilization plan called the "Real Plan". This Provisional Measure states that wages and other conditioning factors in the workplace will be set and re-examined once a year, on a specific "base-date", via free collective bargaining. Furthermore, the Provisional Measure reinforces the role of mediation, whether public or private, in labour negotiations;

(b) Employee participation in company profits or results (Provisional Measure 1982-65 of 10 December 1999): profit-sharing is not a subjective right, but is viewed as the result of collective bargaining and as a way to encourage increased productivity. Such profit-sharing is remuneration that is considered to be of a non-wage nature and therefore not subject to payroll taxes;

(c) Opening hours for retail stores on Sundays (Provisional Measure 1982-65 of 10 December 1999): this decree eliminates constraints regarding opening hours on Sundays, but does include a legal caveat with regard to municipal jurisdiction;

(d) The institution of fixed-term contracts (Law 9601, 21 January 1998 and Decree 2490/98), targeting the need to meet special seasonal or company needs in any sphere of activity. The Law protects workers' rights and, furthermore, requires that for this type of contract to be signed, there must be advanced authorization contained in a collective agreement or accord, as well as proof in terms of the increase in the number of employees. The companies

benefit from reduced hiring costs if all legal requirements are met, because they pay less into certain funds, which are funded by payroll taxes, for example, the FGTS (Length of Service Guarantee Fund). Companies are also exempted from paying a fine, based on deposits in the FGTS on the occasion of contract termination;

(e) The creation of a "comp time bank of hours" mentioned in Law 9601 above. This system to provide compensation for overtime allows companies to adapt the workdays of their employees to variations in production without requiring special remuneration for overtime. Overtime can instead be compensated for by time off during periods in which there is less demand. The law determines rules for the "comp time bank of hours" operations: compensation must be provided within a year and during the term of the work contract; advance authorization in the form of a collective agreement or accord; and observance of the maximum 10-hour workday (2 hours' overtime);

(f) The creation of part-time work systems (Provisional Measure 1952-19, of 6 January 2000) to be used when hiring people for a workload that shall not exceed 24 hours per week. The legalities involved must preserve all workers' rights, including the value of the wages in proportion to the workday and in relation to the wages of employees carrying out the same duties on a full-time basis. This system strengthens the institution of collective bargaining because it requires advance approval by current employees vis-à-vis the adoption of the new system. The system also requires that the new rules must be set forth in the form of a collective agreement or accord. This measure is meant to be beneficial both for employers, by allowing them to reduce their payrolls, as well as for employees, whose need to earn income sometimes coexists with other interests. This is typically the case of students or parents of small children;

(g) Labour contract suspensions tied to professional training (Provisional Measure 1952-19, of 6 January, 2000). This rule determines an alternative to firings and to turnover in the workplace because it allows companies to suspend an employee's contract for a period of two to five months, while offering the same employee a professional training course of the same duration. Under this situation, the employee receives a training stipend very similar to unemployment insurance. This contract modality may only be used if the employee agrees in advance and if there is authorization for the use of such a contract in the form of a collective agreement or accord. Such agreements may stipulate an increase in the value of the stipend to be paid by the employer and may also extend the term during which the suspension will last, during which period the allowance or stipend will be paid by the employer;

(h) Broader internship/externship possibilities: the decree mentioned above also determines provisions regarding greater use of students in the workplace. These students may be taken on as trainees, as long as they are in secondary school. This is in addition to the interns who were already permitted under current legislation (those in higher education, vocational schools or special education schools). The internship/externship does not constitute an employment relationship of any nature. The intern may receive a stipend or any other type of allowance that may be agreed to;

(i) The creation of Advance-Reconciliation Committees (Law 9958 of 12 January 2000): this law authorizes companies and trade unions to create advance-reconciliation committees, comprising an equal number of representatives from management and labour, for the purpose of seeking to solve individual conflicts in the workplace. The Law states that the committee, to be set up by the trade unions, will have both its bylaws and operations defined by collective agreements or accords, and also guarantees job tenure to the employee representatives on the committee. Where such committees exist, conflicts must be heard by them before a labour lawsuit can be filed. The reconciliation statement is a document that is held to be valid with regard to commencing an execution process. No ruling is required from the courts on the merits that attach to the case and the execution process can be initiated if the agreement that had been reached is flouted. The purview of this instrument is designed to encourage self-resolution of conflicts to ease the cost to companies of paying for lawsuits and to ease the burden on labour courts stemming from the large number of lawsuits targeting economic clauses in labour contracts.

98. In addition to these measures, which are already in force, there are two important proposals in terms of labour laws that are worth mentioning:

(a) A proposed constitutional amendment - PEC 638/98 - prepared by the executive branch to modify articles 8, 111 and 114 of the Federal Constitution. These amendments seek to extinguish the monopoly of trade union representation called "single trade unions", thus guaranteeing wide freedom with regard to the creation of trade unions without requirements involving affinities among professional categories or economic groups and territorial basis. This amendment also ends obligatory trade union dues ("contributions") built into current laws that are mandatory even in the case of people who have not joined trade unions. The proposed constitutional amendment also reviews the rules-making power given to the labour judiciary, while preserving its right to provide optional arbitration in collective conflicts of an economic nature and to solve individual and collective lawsuits of a legal nature. This proposal was attached to proposed constitutional amendment PEC 346/96 which covers the reorganization of the labour arm of the judiciary and which is currently being held for consideration by special committees in the lower house of Parliament, the Chamber of Deputies;

(b) Bill of Law 3003/97, designed to guarantee the financial independence of trade unions, instead of the mandatory trade union contribution or levy. There would be a so-called "negotiated contribution" that would be determined during collective bargaining.

99. Changes in the right to employment have also affected the way in which wages are set in the private sector. In a provisional measure designed to complement the Real Economic Stability Plan, wage indexation was extinguished. This was the mechanism designed to ensure that the buying power of wages would be maintained but which fed spiralling inflation. The same provisional measure required that wages and other workplace conditions be set and reviewed on the respective "base-dates" of each professional category, once a year, via freely conducted collective bargaining. During such bargaining, the parties may use the services of a public or private mediator appointed by them, jointly or, on their request, of the Ministry for Labour and Employment, in accordance with procedures defined by the administration in Decree 1572 of July 1995. These legal acts are complemented by administrative standards, for example,

Directives 817 and 818, dated 30 August; and Directive 865, dated 14 September 1995. These rulings detail the criteria for participation by a public mediator in workplace conflicts and his or her registration by the proper authorities, while also defining criteria involved in oversight of workplace conditions reached by collective agreements or accords.

100. In addition to the changes in the regulatory framework in the labour market, Brazil's Government has also implemented an intense programme of seminars, training and similar activities in recent years with a view to promoting a debate on the collective hiring systems most suited to Brazil's reality. This has been done while training public representatives and players representing management and trade unions at the same time in which efforts have been made to consolidate a culture of negotiation in workplace environments. These events have brought together highly qualified representatives from the Ministry of Labour and Employment from the Labour Branch of the Judiciary, from the Public Ministry for Labour Affairs,[3] and from organizations that represent management, labour and civil society. It must be emphasized that in such undertakings the Government has enjoyed the cooperation of the International Labour Organization (ILO), which has provided experts, methodologies, expertise and funds.

101. The autonomous model to be used in regulating the workplace has rapidly become the instrument of choice when bridging the clashing interests of management and labour, despite Brazil's tremendous economic, social and cultural diversity, which is reflected in the different stages of maturity reached in terms of labour relations. This view is corroborated by the considerable increase in the number of collective agreements and accords that have been signed in recent years. In fact, the Ministry of Labour and Employment has a national System of Statistics on Collective Bargaining (SENC), whose data revealed that, in 1997, 9,826 collective instruments were registered, a number which increased to 15,456 in 1998 and 16,713 in 1999. SENC figures also reveal that during the same respective periods, 8,258, 10,213 and 9,700 public mediation procedures to resolve labour contract conflicts were handled by regional labour offices.

102. A brief analysis of the content of these collective instruments clearly evidences the increasingly varied nature of negotiation agendas, as clauses relating to contemporary problems are progressively incorporated. These include job preservation schemes, profit- and results-sharing, productivity, training, and flexible conditions. The agenda of topics for negotiation, which in the past was restricted to salary and benefit adjustments, is sending out clear signals regarding the growing maturity of the players involved in such negotiations and the fact that they are more fully in sync with today's workplace challenges.

103. The Brazilian Government would like to point out that national legislation does not create any distinctions, exclusions, restrictions or preferences among persons, or groups of persons, on the basis of race, colour, gender, religion, political opinion, nationality or social origin, which have the effect of nullifying or impairing the recognition, enjoyment or exercise of the quality of opportunity or treatment in employment or occupation. This status of full equality is reinforced by the fact that Brazil is a country that has admitted the problem of employment and occupation discrimination to the international community. In 1995, the Government recognized, in a meeting of the Committee on Standard Enforcement during the 82nd International Labour

Conference of the ILO, that discrimination was a problem and requested the technical assistance of the ILO to help Brazil do a better job at enforcing the provisions of Convention No. 111, both in terms of legislation and in practice. Brazil submitted its most recent report to the ILO in 1999. During the last meeting of the Committee on the Enforcement of Standards under the International Labour Conference, Brazil was invited to present its experience and discuss the efforts that the Brazilian Government has been making to fight all forms of discrimination in employment and occupation, and its efforts to implement the Convention mentioned above.

104. At that time, the Government disseminated a great deal of information regarding these issues; the information is repeated in this report. In October 1995, a National Tripartite Seminar was held, which opened the door to attempts to end discrimination in Brazil. At the National Tripartite Seminar, efforts were made to involve organizations representing management and labour in an examination of the theme in order to ensure that something would actually be done to solve the problem. As a result of the Seminar, two working groups were created. One is the GTEDEO (the Working Group for the Elimination of Discrimination in Employment) and the other, under the aegis of the Ministry of Labour, is the GTM (Multidisciplinary Technical Group). In order to follow up on any action taken, a programme called BRAZIL, GENDER AND RACE was launched in 1999, with the assistance of the ILO. Since its inception, this programme has enjoyed tripartite participation; it was also set up to disseminate the principles enshrined in the Convention.

105. The Government is committed to publicizing the ILO Convention as widely as possible. The fact that the target sectors today enjoy greater awareness of the problem can be illustrated by the fact that the "Grito da Terra Brasil" ("The Cry from the Land/Brazil") movement included the enforcement of the Convention on the list of demands presented by the National Confederation of Workers in Agriculture (CONTAG). Efforts to publicize the Convention are achieving such broad coverage that information is reaching rural zones.

106. Nevertheless, the Government recognizes, as it did in the presence of the ILO, that countless problems involving discrimination still occur in the workplace. This is true despite the fact that in social, economic and cultural terms discrimination involves the violation of one of the most fundamental human rights covered by the International Covenant. One of the key difficulties worth mentioning has to do with proving allegations of discrimination in a number of cases. In order to do so, greater awareness of employee rights and employer obligations is necessary. In 1998, the Government began to establish "Units to Promote Equal Opportunities and Combat Discrimination in Employment and the Workplace" in order to strengthen its efforts to enforce anti-discrimination standards. This was done in 16 of the 27 regional labour offices and at least one unit is going to be created in each of the remaining offices.

107. The Units are authorized to receive denunciations regarding all forms of discrimination under the ILO Convention. Once a complaint has been received, the labour investigators look into the facts and the circumstances and attempt a solution by reconciliation. If no settlement is reached, the case is sent to the Public Ministry for it to take the proper legal steps. Information has been received regarding the period from January to March 2000, indicating that

five of such units received 80 complaints of discrimination of which about 80 per cent were settled. The complaints were brought in reference to discrimination involving gender (42 per cent), workplace accidents and occupational diseases (29 per cent), health (12 per cent), age (5 per cent), people with disabilities (4 per cent), race and colour (1 per cent) and other (3 per cent). It has become clear that the main victims of discrimination are black women. Of the 522 cases of complaints presented by HIV-positive people, 513 were settled.

108. It is worth mentioning that the Units in the regional offices are currently setting up databases in which to store information about discrimination, complaints or denunciations, events, number of cases and how they were settled. Furthermore, questions on race and colour are being included in statistical registration forms of an administrative nature in the Ministry, such as the General Registry of Employees and Unemployed People (CAGED) and the Annual Report on Social Information (RAIS).

109. The Committee on the Enforcement of Standards under the International Labour Conference reached the following conclusion:

> "The Committee would like to thank the Government for the detailed verbal information and took note with interest of the discussion which immediately followed. It recalled the principal violations of the Convention observed previously by the Committee of Experts and by the Committee on Standards of the Conference and the progress achieved in dealing with such issues with the assistance of staff members, which was also noted by the Experts Committee. It also took note of the great interest in a great many programmes and activities developed by the Government for the purpose of promoting human rights in Brazil, particularly, equality in accordance with convention principles at the same time in which it does not hide the fact that certain problems still exist in practice. The Committee requests of the Government that it send detailed information on concrete and tangible results achieved by such activities, including reports, studies and statistics as well as other indicators, particularly with regard to changes in the economic participation rates of women and various racial minorities, ethnic groups and indigenous peoples. It encourages the Government to assess the progress made and to provide detailed information on these various aspects in the next report to be sent to the Experts Committee."

110. Because it wishes to provide a broad range of information to the Committee on Economic, Social and Cultural Rights, the Brazilian Government would also like to point out additional aspects of the PLANFOR programme that it considers to be of extreme importance. One of these is the fact that the Plan has incorporated the guidelines of the National Plan on Human Rights of Convention No. 111 and the proposals of the GTM, GTEDEO and GTI (Working Group on Informatics). The proposal on vocational education targeting the economically active part of our population is very broad in nature. It covers the full diversity of people in that group and attempts to guarantee access to vocational training without discrimination or a selection process of any other nature such as age, sex, race/colour, years of schooling and disabilities, while simultaneously trying to guarantee the priority that should be given to the most vulnerable groups or those that are most subject to exclusion (a guideline which was added to CODEFAT resolution 194/98).

111. In order to add the dimension of gender, a number of efforts were made to advance concepts and work in coordination with others in order to discuss and perfect proposals, as well as to train and raise the awareness of labour secretariats and other interlocutors involved in implementation. The following activities that were developed are worth mentioning: support and guidance to forums and councils on women in States and municipalities to mobilize their representatives in State and municipal labour committees; organization or sponsorship of seminars, congresses and workshops involving governmental and non-governmental organizations that work on women's issues; and support for the production and/or distribution of conceptual texts. This full set of measures has translated into advances in dealing with the issue of gender within the framework of public policies and has helped to ensure broad participation by women in PLANFOR programmes while, at the same time, it has achieved qualitative progress in terms of gender issues in vocational and professional training.

112. The result of all these activities with regard to a gender perspective is very positive. In quantitative terms, one sees that a growing number of women are participating in PLANFOR - the number grew from 41 per cent in 1996 to 49 per cent in 1999. This means that of the 8.3 million people trained between 1995 and 1999, 48 per cent are women - in other words, approximately 4 million people.

113. On the other hand, the black community faces a great many difficulties in the labour market, among which we can mention: jobs requiring less qualification, lower salaries, obstacles to promotions. These difficulties are accentuated when there is a convergence of characteristics such as gender and race or colour. The situation becomes even worse when we talk about people from low-income groups or those with very few years of schooling.

114. The Government deemed that a reasonable step to take in this case would be to initiate negotiations and discussions with organized segments of the black community to permit the inclusion of the variable race/colour in statistics on professional training, in order to have materials available that would ensure more accurate diagnoses and consequently positive policies that would be more adjusted to real needs in this area. Currently, PLANFOR does have access to more complete information on race and colour of people in training programmes. PLANFOR is in fact the only large-scale public education programme in Latin America that has developed this statistical perspective.

115. Thanks to these developments in registration systems, we can now estimate that the average participation by Blacks and those of mixed blood among those being trained between 1995 and 1999 was 45 per cent, which means approximately 3.7 million people among these groups that did receive training (in principle, such participation is equivalent to the proportion of these races among the economically active population). In addition to records on race and colour, a number of local projects and programmes were promoted and conceived by and for Afro-Brazilian workers with a view to ensuring that they would receive professional training in tandem with programmes to salvage their culture and to ensure that these groups would be brought into the mainstream.

116. In additional efforts to ensure that black communities will truly be brought into the mainstream of the labour market, the Ministries of Justice and Labour and Employment signed a "Protocol to Promote Racial and Ethnic Equality in the Workplace" on 13 May 1998. This protocol consolidates the progress made in handling these issues and sets forth a policy for professional and vocational training, employment and income for Afro-Brazilian men and women who work.

117. Another perspective that is worthy of government attention is that of persons with disabilities, which was also incorporated into PLANFOR. In 1996, the National Programme for Persons with Disabilities (MTb/SEFOR, 1997) was set up. This is an instrument that involves coordinated and specific actions (both in conceptual and operational terms) and that has brought in a number of specialists and organizations to work with these groups.

118. Beginning in 1998, once the guidelines and the practices for dealing with persons with disabilities had been put in place, PLANFOR made a quantum leap in terms of the concepts and methodologies of great importance that it works with, because it decided not to determine a specific programme for persons with disabilities, but instead decided to guarantee what seemed to be more important, in other words, to give priority to persons with disabilities who sought out training programmes. Current data indicate that in 1999, once the guideline and the record system had been set up, 159,000 persons with disabilities were trained, equivalent to 6 per cent of the total for PLANFOR. This number is similar to the percentage of the economically active population that has disabilities.

119. A closer look at government efforts to promote the rights of people with disabilities to work reveals that, as occurred in the case of gender or race/colour, a number of innovative experiments have been set up comprising carefully targeted programmes. PLANFOR also focused on broader programmes, which also foster participation by people with disabilities with a view to elevating their educational attainments. One example is the case of Telecurso 2000 - a distance education programme providing supplementary and vocational training in sign language for deaf people. A broad overview of PLANFOR's activities, between 1995 and 1998, in conjunction with realistic projections for the period until 2002, shows that the Brazilian Government believes it will be possible to perfect the programmes designed to meet the needs of diverse groups within the economically active population even better than in the past. A great effort will have to be made to achieve the progress that is desired. Nevertheless, undeniable advances have been made, such as greater access to professional training for women, young people, workers in the informal sector, people from rural areas, non-Whites, all of whom are from groups whose specific needs have not been dealt with properly in the generic and traditional institutional framework.

120. An important distinction needs to be made between the demand for specific qualifications emanating from the labour market and the practice of discrimination. Brazil is pleased to observe a growing concern regarding this topic on the part of the Committee on Economic, Social and Cultural Rights.

121. Brazil's Constitution has a chapter on social rights which determines specific protection for: labour markets for women, via specific incentives determined by law; the prohibition of different salaries, different duties and different admission criteria based on gender, age, colour or civil status; the prohibition of any type of discrimination regarding wages and admission criteria vis-à-vis workers with disabilities; and the prohibition of distinctions between manual, technical and intellectual labour or among professionals in these respective areas. These provisions have allowed Brazil to determine a minimum level of protection regulated by specific legislation, to protect the physical safety and moral integrity of its workers.

122. Brazil's legislation never permits a distinction, exclusion or preference based on any of the conditions named above. No waivers to discrimination laws are allowed on the basis of the inherent requirements of a particular job. Labour inspectors are constantly vigilant as to admission requirements and specific conditions attaching to specific jobs to ensure that such prerequisites will not contain any provisions of a discriminatory nature.

123. With regard to holding more than one job, data from the 1999 PNAD/IBGE survey (the National Residential Sample Survey) reveals that in Brazil about 3.3 million people (or 4.7 per cent of all people with jobs) find themselves holding more than one job. The absolute number did not change in a significant way between 1995 and 1999, although there was a slight increase over the four-year period. Table 19 supplies data that indicate that the increase in persons with more than one job during this period was, in relative terms, less than had been observed among the whole population with a job, which led to an overall slight decrease in the share.

Table 19

Persons with jobs compared to the number of jobs that they held during the reference week in question

Number of jobs during the reference week	Persons with jobs 1995	Persons with jobs 1999	Variation
One	66 277 014	68 318 027	3.1%
Two	3 119 766	3 125 455	0.2%
Three or more	231 828	232 737	0.4%
Total	69 628 608	71 676 219	2.9%

Source: PNAD - Prepared by the Ministry of Labour and Employment.

Article 7

124. With regard to the conventions of the ILO regarding which the Committee on Economic, Social and Cultural Rights has requested information in its guidelines, Brazil would like to point out the following:

(a) Minimum Wage Fixing Convention, 1970 (No. 131). Brazil ratified the convention in question on 4 May 1993. The last report was submitted in 1999. Brazil has answered the observations by the ILO Committee of Experts on methods used in setting

minimum monthly wages and on the participation by organizations representing management and labour in setting such wages. The fixing of the minimum monthly wage is a question that is always subject to intense debate and will be dealt with in specific comments to be found later in this report;

(b) Equal Remuneration Convention, 1951 (No. 100). Brazil ratified this convention on 25 April 1957. A report is being submitted this year. The report will contain data from the National Household Sample Survey of 1999 (PNAD/1999) and statistics regarding participation by men and women in the labour market. It is worth mentioning that salary differences still persist between men and women despite the decrease in this trend in recent years. With regard to the question of equal remuneration for men and women, recent legislation in Brazil has achieved some progress in this regard. Examples are Bill of Law 382-B/91, which was approved by the National Congress and transformed into Law 9799, dated 26 May 1999. Under this law the provisions on women's access to labour markets and other measures to be taken have been added to the Consolidated Labour Laws in Brazil;[4]

(c) Weekly Rest (Industry) Convention, 1921 (No. 14). Brazil ratified this convention on 25 April 1957. A simplified report on this Convention is being submitted this year with a presentation on national legislation in this regard, and information on statistics drawn from the Federal Labour Inspection System (SFIT) on violations to the principles in the Convention found in 1997, 1998, 1999 and during the early months of 2000;

(d) Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106). Brazil ratified this convention on 18 June 1965. A report on the Convention is being submitted this year with a presentation on the national legislation in regard to this issue and information on statistics drawn from the Federal Labour Inspection System (SFIT) vis-à-vis violations to the principles of the Convention during 1997, 1998, 1999 and the early months of 2000;

(e) Holidays with Pay (Revised) Convention, 1970 (No. 132). Brazil ratified this convention on 23 September 1998. The first report/record is being submitted this year with information on provisions of national legislation that cover this issue;

(f) Labour Inspection Convention, 1947 (No. 81). Brazil ratified this convention on 11 October 1989. The most recent detailed report was submitted to the ILO in 1999 with the information on Constitutional Amendment 20 which raised the minimum age for admission to the workplace to 16 years of age and 14 years of age for apprentices. Information on progress attained in combating forced labour and efforts made to diminish workplace accidents and occupational diseases was also submitted;

(g) Occupational Safety and Health Convention, 1981 (No. 155). Brazil ratified this convention on 18 May 1992. The most recent detailed report on observance of the convention was submitted to the ILO in 1999. The Committee of Experts made an observation regarding a denunciation received by the Trade Union of Workers in the Marble, Granite and Limestone Industry of Espírito Santo (SINDIMARMORE). The Brazilian Government stated that a Sectoral Chamber on Marble and Granite had been created for the following purposes: (a) to adapt the inspection system to the specific characteristics of the economic activity in question; (b) to encourage negotiation among representatives of management and labour for the purpose of

advancing discussions regarding the need to insert clauses on working conditions in future collective agreements and accords; (c) to promote integration of all the bodies involved in the marble and granite sectors so that, by working together, they can find solutions to problems involving the modernization of working methods, keeping the workplace environment healthy, the need to determine criteria to be used in exploiting this economic activity, as well as the need to handle information on the workplace; (d) to work intensely to observe labour standards, particularly with regard to worker health and safety.

125. Before commenting on the methods employed in fixing wages, as suggested in the guidelines issued by the Committee on Economic, Social and Cultural Rights, the Brazilian Government wishes to refer to the principle of equal opportunity for promotion in the workplace. Brazilian legislation does address the issue in article 461, opening paragraph and subparagraph 1, of the Consolidated Labour Laws. Nevertheless, if the company has organized its staff by using a career plan that is covered in the regulations of that particular company, promotions must obey the criteria of seniority, length of service in the company, and merit (in other words, diligence and productivity) (ibid., subpara. 2). This does not mean that strict adherence to these criteria violates the principle of equal opportunity for promotion in the workplace; on the contrary, company regulations should contain objective criteria for promotion (by seniority and merit) to ensure that the employer will respect these concepts when promoting an employee.

126. Basically, workers who are deprived of equal opportunities in terms of promotions in the workplace are those who are active in the informal market (with no signed working agreement), which means that inspectors find these situations very hard to control. In such cases, any control over promotions is the result of a subjective decision by the employer. When such unequal treatment is in fact verified, usually after the employee has presented a complaint, or when a representative of the trade union for that group has done so, an inspection is carried out in the company. Inspection services have preferred to begin by establishing a dialogue with the employer in order to legalize the situation. If such attempts do not succeed, the proper legal notice is prepared. Nevertheless, simply preparing a legal notice and doing nothing else has not produced positive results. In this case, the legal notice has not proven an efficient instrument in doing away with this discriminatory practice, above all because discrimination is a cultural issue that requires changes in the mentality of a society. In fact, the procedure that has brought about the best results has been a dialogue involving the company, the employee and the inspection service. In general, the company corrects the situation and puts the principle of equal opportunities into effect.

127. With regard to the minimum monthly wage and how its value is set, some brief background information on this institution in Brazil is worth mentioning. The minimum monthly wage was first created in Brazil on 1 May 1940 as one of the developments emanating from Law 185 of January 1936 (which created the minimum monthly wage) as well as Decree-Law 399 of April 1938 (which regulated the law) and Decree-Law 2162 of 1 May 1940 (which set values and the date for entry into force). Once the minimum monthly wage had been put into effect, Brazil was divided into 50 regions, for the purpose of fixing different values for the minimum monthly wage.

128. With regard to how this value is set, it is worth mentioning that from the 1940s to the 1980s the minimum monthly wage policy suffered very few changes up until the enactment of the 1988 Constitution. The new Federal Constitution states in article 7, paragraph IV, that the minimum monthly wage should be set in legislation which should be unified nationally. The law states that the wage to be chosen must meet the basic living needs of workers and their families with regard to housing, food, education, health, leisure, clothing, hygiene, transportation and social security; it also requires that the minimum monthly wage be readjusted periodically. This wage may not be contingent upon any other requirement for any other purpose.

129. As required by the Constitution, Law 9971 was enacted on 18 May 2000. This law includes provisions covering the minimum monthly wage beginning 1 May 1995, and creates a unified minimum monthly wage value to be enforced throughout Brazil. Currently, that number is Cr$ 151.00 - valid for all employees, whether urban or rural, and for all sectors of the economy.

130. Readjustments have been on an annual basis, although neither the Constitution nor national legislation determines precise deadlines or periods within which the Government must set new values for the minimum monthly wage. Annual readjustments have sought to ensure that, at the very least, the minimum wage will retain its purchasing power and that adjustments are made on the basis of inflation. Inflation, in turn, should be measured by traditional consumer price indexes, such as the National Consumer Price Index (INPC), produced by the IBGE, or the Consumer Price Index (IPC), produced by the Institute and Foundation for Economic Research (FIPE). Furthermore, attempts have been made to add real gains in earning power to the minimum wage on a gradual basis in order to help reduce poverty and continue to improve income distribution without, on the other hand, affecting public accounts or increasing the shift to jobs in the informal market.

131. It is worth mentioning that the Brazilian Labour Market and the basic basket of goods are quite different from one region to another; this has also limited attempts to increase the national monthly minimum wage to a greater degree. The individual states and the Federal District are autonomous, pursuant to Complementary Law 103, dated 14 July 2000, with regard to decisions to establish a wage floor in their jurisdictions at levels above the national minimum monthly wage, once again pursuant to paragraph V of article 7 of the Federal Constitution.

132. In Brazil, all employees and their employers must sign an individual labour contract in accordance with the parameters determined by the Consolidated Labour Laws (CLT). This must be registered in the individual's working papers and social security papers. Nevertheless, in accordance with the National Residential Sample Survey (PNAD) of 1998, carried out by Brazilian Institute for Geography and Statistics (IBGE), 38.4 per cent of employees - about 15,841,464 workers - do not have properly signed working papers, which means that they are included in the category of workers with an informal working relationship.

133. As explained above, the Federal Constitution instituted the minimum monthly wage and the Consolidated Labour Laws (CLT) cover its enforcement. This also holds true for adjustments to the minimum monthly wage with a view to guaranteeing continued buying power parity, as required by Federal Law 9971 of 18 May 2000 on readjustments to the minimum wage

since 1 May 1996. In recent years, adjustments have sought not only to recover purchasing power parity by replacements calculated on the basis of inflation, which in turn, is calculated on the basis of consumer price indexes at the national level, but have also tried to add real earning power to the minimum wage. Although the Federal Constitution has set forth criteria to be followed in setting the minimum wage in such a way as to satisfy workers' basic needs, Law 9971, of 18 May 2000, which covers readjustments and determines values and the criteria therefor, does not in fact link the amount to be set to a basic basket of needs, including the items mentioned in the Federal Constitution such as housing and food.

134. Adjustments are always the subject of an intense debate and do not always meet expectations. The minimum monthly wage is also used as a reference when setting prices in the informal sector. This means that because the informal sector in Brazil is so large, the prospects of pressuring prices in general, and personal and similar services in particular, is always very great after readjustments. This aspect then affects the entire economy, and cannot be ignored when setting the minimum monthly wage.

135. On these occasions the Government tries to keep two additional functions in mind as well. The first is the possibility of using the minimum wage to improve functional income distribution by increasing the total share set aside for workers. The second is to use the minimum wage as a tool to reduce wage inequalities, since the wage becomes the de facto wage floor. With regard to this second point, the Government is extremely cautious when following up on the impact of the minimum monthly wage, given the fact that the principal objective, which is reducing wage inequalities, can be distorted as a result of the vulnerability of less qualified workers. This is especially true in informal sectors, which in Brazil represent a large part of the economy, and where wages tend to be pressured in a direct relationship with the amount determined by law.

136. The debates surrounding the monthly minimum wage are a constant whenever an attempt is made to respond to the expectations of a participatory society that is increasingly aware of its rights, as is the case in Brazil. These debates will probably be based on more accurate information in the near future, when the Brazilian Government will have access to a more complete method of analysis, currently under development. The new method will permit evaluations that will be a closer approximation to reality with regard to the ideal or approximately ideal worth of the minimum monthly wage. The Brazilian Institute for Geography and Statistics (IBGE) has been placed in charge of this study. The idea is that by the end of the year calculations will be made on a monthly basis to determine the exact cost of the full basic basket of living needs included in the Federal Constitution. Currently, data of this type are only available from DIEESE, a research institute tied to the labour movement and not, therefore, an official agency.

137. It is worth mentioning that oversight regarding labour law enforcement, including the payment of remuneration that must not be lower than the nationally unified minimum monthly wage, is the responsibility of the Labour Inspection Secretariat of the Ministry of Labour and Employment (SIT/MTE). The MTE has 2,444 inspectors who are active throughout the country and are based in 117 agencies spread throughout Brazil's 27 states. In 1999 inspections were carried out in 347,380 establishments, covering 17,842,511 workers. As a result of these

inspections, labour contracts were legalized to encompass 249,795 workers who had previously been part of the informal economy. In the year 2000, the target is to bring 600,000 workers into the fold of legal working relationships by guaranteeing, among other rights, that they will receive the minimum monthly wage.

138. The issue of wage differences between men and women has attracted the particular attention of the Brazilian Government. In addition to the comments made with regard to ILO Convention No. 100 and the legislative progress in this regard (please see the explanation in note 4), a comment is worth stating for the record. According to a recent IBGE/PNAD survey (the National Household Sample Survey) female Brazilian workers increased their earnings at almost double the national rate between 1993 (which is the last year for which there was data before the Real Plan was put into effect) and last year. During that period, the average earnings of the population with jobs increased 24.3 per cent and 43.3 per cent of this went to women and 19.4 per cent to men. There are still inequalities in terms of remuneration, but the differences have dropped considerably: in 1993, women earned only 49.4 per cent as much as men; in 1999, the percentage increased to 60.7 per cent. Men's salaries increased over the same period, between 1993 and 1999, from Cr$ 447.00 to Cr$ 534.00; and women's salaries increased from Cr$ 226.00 to Cr$ 324.00.

139. Still, according to the PNAD, the percentage of women with at least a full secondary school education was 30.4 per cent last year, in comparison with 21.2 per cent for men. Women also do better when illiteracy rates are examined (among people between the ages of 10 and 14), in other words, only 4 per cent of women and 7 per cent of men are illiterate. The women's disadvantage in terms of breakdown by gender in the labour market has been attenuated. In 1993, for every 100 people with a job, 61.2 per cent were men and 38.8 per cent were women; in 1999, 59.7 per cent were men and 40.3 per cent were women.

140. The data from recent studies also reveal that there has been an increase in the number of women who are responsible for their own families. In the last year of the past decade, 20.1 per cent of households were headed by women, an amount that increased to 22.9 per cent in 1995, and to 26 per cent, in 1999.

141. The information produced by the PNAD portrays the situation in Brazil once a year and reveals the evolution of socio-economic conditions from the national level to the metropolitan level, and also reveals aspects that distinguish the geographic areas that make up the country. The 1999 results are the last results of the PNAD for the decade of the 1990s. During that time a number of economic factors created significant modifications in the demographic, social, and economic profile of the population in Brazil. These factors were both external and internal, and included public policies, technological progress, modernization in management and production methods, and the increasingly broader access to information and processes implemented in earlier decades. According to the PNAD, the drastic measures contained in the Collor Plan affected all income groups indiscriminately and, in fact, hit hardest at the highest income groups. Their remuneration for 1990 was lower than it had been for the four previous years, thus improving income distribution. The recession that followed the economic plan made the earnings curves continue to drop until 1992. The wage policy implemented in 1991, which in one way or another protected the lowest income groups, contributed to a continuing improvement in terms of income distribution until 1992. In 1993, when the economic recovery

first began, despite the fact that the inflationary spiral also reappeared, a more favourable wage policy led to increasing remuneration. This positive thrust was felt with a greater intensity in the higher income groups, inverting the upward trend of the income distribution curve.

142. The Real Plan, created in July 1994, led to an immediate and sharp drop in inflation and was conducive to accelerated economic growth and higher earnings. Indexation was maintained in Brazil and was only partially eliminated in June 1995, which means that in one way or another it was able to protect the lowest income categories. The gains that resulted from this favourable period of stability did reach the base of the earnings pyramid in 1995, and improvements in income distribution were felt once again. In 1996, after the end of the first phase of the Real Plan, real gains in earnings dropped to lower levels in light of the new reality, in other words, a stable economy. In general, earnings grew in a way that was inversely proportional to the amount of the earnings, once again improving income distribution.

143. The two crises resulting from disturbances in the international economic order that occurred in the two following years led to adjustments in Brazil's economic policy. The first crisis occurred after the period that was portrayed in the 1997 survey. The second crisis happened shortly before the 1998 survey, and the damage that it caused was not completely reflected in the survey, given the gap between the actual impact of the crisis on the economy and its consequences on the labour market and on its earnings. Remuneration did suffer some slight drops in 1997 and in 1998. Income distribution, which had stabilized in 1997, increased in 1998, as a result of gains in the lower half of the earnings pyramid and slight losses in the upper half, especially with regard to remuneration for work. These were already the first signs of the recessive impact. The earnings linked to the minimum wage, which did enjoy a real gain, constituted one of the factors that helped to sustain the increase in the lower half of the remuneration distribution pyramid.

144. In 1999, the first signs of a recovering economy began to be seen, but there was also an increase in inflation (which had actually been dropping since the Real Plan was first implemented). This inflation caused a slight loss in the real value of the minimum monthly wage. Furthermore, the consequences of the recessive period led to real losses in earnings. In 1999, earnings suffered a substantial reduction, which affected the highest income levels slightly more than other income groups. The share in total remuneration withdrawn from the upper part of the pyramid was distributed throughout the rest of the pyramid, once again improving income distribution.

145. In 1998 and up until 1999, the 10 per cent who earned the least for their labour suffered real losses of approximately 6.8 per cent; and at the other extreme, the 10 per cent who earned the most suffered real losses of 8.6 per cent. Total monies spent on remunerating labour were distributed as follows: the 10 per cent of wage earners who earned the most earned 51.5 per cent of total earnings in 1989 and 45.7 per cent in 1999. An examination of the period between 1989 and 1999 reveals that the Gini index (which measures the distribution of earnings from wages) reached a maximum (0.630) in 1989, and a minimum (0.567) in 1999. A geographic comparison shows that income distribution continued to be poorest in the north-eastern and central-western regions of the country.

146. In 1999, average remuneration for wage earners presented a reduction (7.1 per cent) vis-à-vis the previous year, and remained below the levels attained in 1989 and since 1995. The drop in earnings affected every category of worker and totalled 6.2 per cent for employees, 7.4 per cent for self-employed workers and 9.5 per cent for employers. Among domestic workers the loss was smaller (2.2 per cent).

147. In regional terms, the north-east continued to be characterized by average remuneration levels that were strikingly lower than those of other regions.

148. Another aspect that must be taken into account with regard to remuneration for labour is a matter to which the Brazilian Government has paid great attention. This is non-gender-based discrimination. A programme called "Programme for Brazil, Gender and Race" designed to prepare and enforce actions to combat discrimination has been created. Within the framework of this programme, "Units for the Promotion of Equal Opportunities and to Fight Discrimination on the Job and in Professions" have been created within regional labour offices. These Units are responsible for implementing anti-discrimination policies in each of the states in Brazil. The primary purpose of these Units is to develop activities to eliminate inequalities and to fight practices of a discriminatory nature in workplace relations. All complaints that have reached the Unit have been properly investigated and if no solution or settlement is available at the regional office level, then the cases are referred to the Public Ministry for Labour Issues.

149. The Units are such a key factor in the fight against discrimination in the workplace that the Brazilian Government would like to describe them in detail. The Units were created by Directive 604, dated 1 June 2000, within the Ministry of Labour and Employment, in line with recommendations presented in ILO Conventions Nos. 100, 111 and 159. The Units are responsible for: (i) creating educational programmes to guarantee the enforcement of policies to promote equal opportunities in terms of jobs and professions; (ii) proposing strategies and activities with a view to eliminating discrimination and degrading treatment in order to protect the dignity of the individual during labour relationships; (iii) acting as clearinghouses for a number of public and private organizations that fight discrimination, in an attempt to unite efforts to increase the social efficiency and effectiveness of their activities; (iv) establishing partnerships with organizations representing the business community, trade unions and non-governmental groups in order to systematize the flow of information regarding job openings or job placements for groups that are most vulnerable to discrimination; (v) keeping registries in the form of databases on the supply and demand of jobs for people with disabilities, with a view to filling the legal quotas for companies; and (vi) receiving complaints and denunciations of discriminatory practices in the workplace with a view to resolving these situations in accordance with the law and, when necessary, to refer these cases to the labour arm of the Public Ministry. Sixteen such Units are currently operational in the States of Piaui, Mato Grosso do Sul, Rio Grande do Norte, Rio Grande do Sul, Rio de Janeiro, Pernambuco, Ceará, Bahia, Alagoas, Amazonas, Espirito Santo, Goiás, Distrito Federal, Maranhão, Mato Grosso and Minas Gerais. Pursuant to Directive 604, annex 1, issued by the Ministry of Labour and Employment, additional Units will be set up in the States of Mato Grosso, Pará, Paraná and Rondônia (one additional Unit) in the second half of this year.

150. Unit activities include the promotion of events, debates, campaigns and speeches with a view to motivating, sensitizing, informing and raising consciousness with regard to discrimination. This is done by establishing partnerships with a number of players throughout society and by engaging them in the process of commitment to non-discrimination.

151. From January to March 2000, five Units (Rio Grande do Norte, Pernambuco, Mato Grosso, Piauí and Ceará) recorded a total of 80 complaints, of which 63 per cent had been referred to the Units by female workers. The "Brazilian Programme on Gender and Race" and the addresses of the Units are available on the Ministry of Labour and Employment's electronic portal site (www.mte.gov.br).

152. The Brazilian Government has taken an additional step that it feels is important in fighting discrimination in the workplace. The Ministry of Labour and Employment and the Ministry of Justice signed a Technical Cooperation Protocol on 13 May 1998 to broaden policies designed to further racial and ethnic equality in the labour market and to enhance professional training and income and job generation. The Voluntary Civil Service was also created for the same purpose, but focuses more specifically on campaigns for young people designed to promote and defend human rights and citizenship. The young people are trained and then given an opportunity to promote civic values among the communities in which they live. Available positions are split equally between young men and women. Special care is taken to ensure that the number of black people who participate will be at least equivalent to the percentage of black people in the local population. In 1998, 1,300 young people were trained in the Federal District and 3,100 in Rio de Janeiro. In 1999, this Service was set up in the States of Rondônia, Pará, Maranhão, Ceará, Pernambuco, Bahia, Paraná, Rio Grande do Sul, Santa Catarina, Minas Gerais, Rio de Janeiro, São Paulo, Mato Grosso, Mato Grosso do Sul, Goiás and Distrito Federal, involving a total of 6,500 young people. The project will continue to be implemented by the Secretariat of State for Human Rights in forthcoming budget years, under a programme called "Human Rights, Everyone's Rights" which is part of the PAA (Multi-Year Plan) for 2000-2003. The goal for the period between 1999 and 2002 is to train a total of 200,000 people (an average of 50,000 a year).

153. Tables of statistics for the labour market in Brazil can be found in the pages that follow.

Table 20

Economically active population (EAP) by gender

Average	Men	Women
1991	9 744 102	6 104 093
1992	9 889 346	6 042 552
1993	9 882 113	6 174 537
1994	10 073 502	6 358 241
1995	10 153 021	6 601 660
1996	10 383 991	6 889 617
1997	10 375 947	6 692 284
1998	10 471 056	7 214 254
1999	10 421 763	7 299 357
Jan.-Apr. 1999	10 302 018	7 204 415
April 1999	10 310 499	7 235 202
May 1999	10 394 800	7 275 138
June 1999	10 571 700	7 307 592
July 1999	10 409 262	7 258 545
Aug. 1999	10 407 436	7 295 210
Sept. 1999	10 452 981	7 374 816
Oct. 1999	10 521 028	7 411 248
Nov. 1999	10 572 971	7 427 359
Dec. 1999	10 522 905	7 424 716
Jan. 2000	10 518 213	7 396 863
Feb. 2000	10 629 911	7 472 434
March 2000	10 743 151	7 500 401
April 2000	10 807 757	7 641 348
Jan.-Apr. 2000	10 674 758	7 502 761

Source: Ministry of Labour and Employment - data from SME/IBGE.

Journal Mercado de Trabalho - Conjuntura e Análise, Year 5, June 2000.

Table 21

EAP by position in the family

Average	Head	Spouse	Offspring	Others	Totals
1991	7 982 033	2 671 412	4 101 100	1 093 650	15 848 195
1992	8 028 371	2 650 555	4 191 551	1 061 421	15 931 898
1993	8 100 633	2 695 080	4 252 416	1 008 521	16 056 650
1994	8 342 412	2 909 325	4 187 035	992 971	16 431 743
1995	8 429 028	3 007 101	4 333 965	984 588	16 754 681
1996	8 577 345	3 156 468	4 487 067	1 052 728	17 273 609
1997	8 639 928	3 183 918	4 530 240	1 014 144	17 368 230
1998	8 654 771	3 260 708	4 678 905	1 090 925	17 685 310
1999	8 720 040	3 267 549	4 696 605	1 036 926	17 721 120
Jan.-Apr. 1999	8 609 247	3 202 754	4 663 116	1 031 316	17 506 433
April 1999	8 650 736	3 200 112	4 685 860	1 008 994	17 506 433
May 1999	8 705 196	3 231 913	4 705 893	1 026 935	17 669 938
June 1999	8 787 119	3 256 538	4 786 988	1 048 646	17 879 292
July 1999	8 690 431	3 212 158	4 753 085	1 012 134	17 667 807
Aug. 1999	8 730 537	3 259 038	4 656 684	1 056 387	17 702 646
Sept. 1999	8 743 557	3 305 367	4 720 893	1 057 980	17 827 797
Oct. 1999	8 822 892	3 343 272	4 697 257	1 068 855	17 932 276
Nov. 1999	8 878 532	3 387 035	4 686 668	1 048 096	18 000 330
Dec. 1999	8 845 231	3 404 244	4 699 328	998 818	17 947 621
Jan. 2000	8 847 760	3 388 098	4 736 716	942 501	17 915 076
Feb. 2000	8 940 706	3 446 918	4 748 151	966 570	18 102 345
March 2000	8 933 288	3 473 944	4 810 767	1 025 553	18 243 552
April 2000	9 072 385	3 489 906	4 856 186	1 030 628	18 449 105
Jan.-Apr. 2000	8 948 535	3 449 717	4 787 955	991 313	18 177 520

Source: Ministry of Work and Employment - data from SME/IBGE.

Journal Mercado de Trabalho - Conjuntura e Análise, Year 5, June 2000.

Table 22

Labour force participation rate, by gender

Average	Men	Women
1991	79.98	44.28
1992	78.35	42.69
1993	77.16	42.51
1994	77.20	43.35
1995	76.67	43.92
1996	76.26	44.86
1997	74.66	44.29
1998	73.70	44.53
1999	72.18	43.88
Jan.-Apr. 1999	71.97	43.51
Apr. 1999	72.06	43.56
May 1999	72.16	43.73
June 1999	73.12	43.94
July 1999	72.21	43.76
Aug. 99	71.82	43.76
Sept. 1999	72.09	44.12
Oct.1999	72.34	44.50
Nov. 1999	72.33	44.52
Dec. 1999	72.19	44.54
Jan. 2000	71.96	44.29
Feb. 2000	72.52	44.65
March 2000	72.78	44.84
Apr. 2000	73.39	45.43
Jan.-Apr. 2000	72.66	44.80

Source: Ministry of Labour and Employment - data from SME/IBGE.

Journal Mercado de Trabalho - Conjuntura e Análise, Year 5, June 2000.

Table 23

Employment level, by gender

Average	Men	Women
1991	9 275 868	5 805 363
1992	9 332 246	5 678 531
1993	9 372 919	5 829 793
1994	9 588 012	6 012 396
1995	9 693 032	6 282 002
1996	9 864 371	6 471 059
1997	9 828 342	6 554 669
1998	9 728 907	6 612 221
1999	9 689 872	6 696 730
Jan.-Apr. 1999	9 539 409	6 696 730
April 1999	9 525 863	6 618 388
May 1999	9 655 582	6 659 005
June 1999	9 796 966	6 681 252
July 1999	9 682 744	6 655 819
Aug. 1999	9 665 083	6 680 991
Sept. 1999	9 729 810	6 788 264
Oct. 1999	9 794 727	6 790 456
Nov. 1999	9 870 908	6 817 650
Dec. 1999	9 925 005	6 903 272
Jan. 2000	9 808 822	6 744 541
Feb. 2000	9 865 862	6 762 470
March 2000	9 961 228	6 819 477
April 2000	10 047 420	6 960 742
Jan.-Apr. 2000	9 920 833	6 821 808

Source: Ministry of Labour and Employment - data from SME IBGE.

Journal Mercado de Trabalho - Conjuntura e Análise, Year 5, June 2000.

Table 24

Unemployment, by gender

Average	Men	Women
1991	61.05	38.95
1992	60.48	39.52
1993	59.63	40.37
1994	58.40	41.60
1995	59.00	41.00
1996	55.39	44.61
1997	55.58	44.42
1998	55.21	44.79
1999	54.84	45.16
Jan.-Apr. 1999	55.62	44.38
Apr. 1999	55.99	44.01
May 1999	54.54	45.46
June 1999	55.30	44.70
July 1999	54.66	45.34
Aug. 1999	54.72	45.28
Sept. 1999	55.22	44.78
Oct. 1999	53.92	46.08
Nov. 1999	53.52	46.48
Dec. 1999	53.42	46.48
Jan. 2000	52.10	47.90
Feb. 2000	51.83	48.17
Mar. 2000	53.45	46.55
Apr. 2000	53.45	46.55
Jan.-Apr. 2000	52.54	47.46

Source: Ministry of Labour and Employment - data from SME/IBGE.

Journal Mercado de Trabalho - Conjuntura e Análise, - Year 5, June 2000

Table 25

Unemployment rate by position in the family (%)

Average	Head	Spouse	Offspring	Others
1991	3.08	2.59	9.38	6.16
1992	3.66	3.38	11.01	7.16
1993	3.39	3.08	10.04	6.83
1994	3.22	3.11	9.72	6.68
1995	2.95	2.87	8.97	5.67
1996	3.42	3.79	10.02	7.25
1997	3.70	3.90	10.36	7.08
1998	5.05	5.43	13.42	9.29
1999	5.04	5.19	13.45	9.10
Jan.-Apr. 1999	5.17	5.22	14.20	9.36
Apr. 1999	5.46	5.35	14.17	9.31
May 1999	5.27	5.30	13.28	9.81
June 1999	5.09	5.86	13.87	9.43
July 1999	4.90	5.15	13.64	8.86
Aug. 1999	5.17	5.70	13.21	9.88
Sept. 1999	5.12	5.05	12.70	9.01
Oct. 1999	5.18	5.04	13.31	9.02
Nov. 1999	4.98	5.04	13.04	8.41
Dec. 1999	4.04	4.22	11.60	7.33
Jan. 2000	4.88	5.87	13.60	9.19
Feb. 2000	5.21	6.60	14.42	9.91
Mar. 2000	5.18	6.15	14.12	10.48
Apr. 2000	4.74	5.48	14.79	9.86
Jan.-Apr. 2000	5.00	6.03	14.23	9.86

Source: Ministry of Labour and Employment - data from SME IBGE.

Journal Mercado de Trabalho - Conjuntura e Análise, Year 5, June 2000

154. With regard to income distribution among public servants and workers in the private sector, it is worth mentioning that the data currently available indicate that between 1992 and 1999 there was a real increase in income of about 27.6 per cent. Civil servants and military enjoyed a real gain above that of employees in the formal economy's private sector (42.9 per cent versus 17.1 per cent). Other sectors (including private sector informal workers, those with no signed working papers and self-employed workers, domestic workers, and employers) had an income variation rate of 61.5 per cent. The best remuneration in all these periods went to civil servants and the military who in 1999 received, on average, six minimum monthly wages per month (Cr$ 906 or approximately US$ 503).

155. With regard to legislation to ensure safe and healthy working conditions in the workplace, once again it must be mentioned that Brazil's 1988 Constitution specifically mentions, in article 7, paragraph XXII, that workers have a right to reduced occupational risk. This right is guaranteed by enforcing standards vis-à-vis health, hygiene and safety. Chapter V, Title II of the Consolidated Labour Laws (CLT) has a section on Occupational Safety and Medicine that was altered for this purpose by Law 6.514, dated 22 December 1977.

156. Ministry of Work and Employment Directive 3.124, dated 8 June 1978, regulates Law 6.514/77 and determines 28 Regulatory Standards for the area of occupational safety and medicine. Subsequently, on 12 April 1988, Directive 3067 approved 5 Regulatory Standards regarding Rural Employment Safety and Hygiene. More recently, on 17 December 1997, Directive 53 approved Regulatory Standard 29, covering "Safety and Health in the Workplace in the case of Ports" in line with ILO Conventions Nos. 81, 152 and 155.

157. The Social Security and Social Welfare Ministry handles questions involving occupational accidents and diseases and the workplace. Information regarding these issues is channelled through the "System to Communicate Workplace Accidents" (CAT). The data below reveal that "typical accidents" are the result of the actual activities that employees are involved in as part of their work. The column under causes called "On the way to work" refers to accidents that occurred in transit on the way to the workplace. The professional diseases column relates to diseases developed because one has been involved in activities that can cause bodily harm while in the workplace. Statistics on the exact moment in which workplace accidents occur are still incomplete and are, therefore, subject to adjustments. Any consideration of these data must also keep in mind the fact that they do not include any information about workers in the informal sector of the economy, in rural areas, or those workers who did not have a legal working relationship at the time when the data were collected.

Table 26

Workplace accidents registered by the CAT system, 1990-1998

Years	Total	Cause		
		Typical	On the way to work	Occupational diseases
1990	693 572	632 012	56 343	5 217
1991	632 322	579 362	46 679	6 281
1992	532 514	490 916	33 299	8 299
1993	412 293	374 167	22 709	15 417
1994	388 304	350 210	22 824	15 270
1995	424 137	374 700	28 791	20 646
1996	395 455	325 870	34 696	34 889
1997	421 343	347 482	37 213	36 648
1998	414 341	347 738	36 114	30 489

Source: Social Security Annual Compilation of Statistics.

Table 27

Monthly record of workplace accidents by cause, 1997-1999

Months	Years	Number of workplace accidents recorded			
		Total	Cause		
			Typical	On the way to work	Occupational diseases
Total	**1997**	**421 343**	**347 482**	**37 213**	**36 648**
	1998	**414 341**	**347 738**	**36 114**	**30 489**
	1999	**378 365**	**319 617**	**36 716**	**22 032**
January	1997	33 386	27 116	3 013	3 257
	1998	31 652	26 381	2 718	2 553
	1999	29 639	24 866	2 872	1 901
February	1997	30 095	24 612	2 567	2 916
	1998	30 983	25 908	2 591	2 484
	1999	26 323	21 987	2 600	1 736
March	1997	34 692	28 273	2 882	3 537
	1998	37 743	31 538	3 080	3 125
	1999	32 948	27 439	3 124	2 385
April	1997	34 986	28 374	2 921	3 691
	1998	31 879	26 495	2 748	2 636
	1999	30 157	25 400	2 964	1 793
May	1997	35 032	28 997	3 105	2 930
	1998	36 033	30 261	3 123	2 649
	1999	34 043	28 718	3 344	1 981
June	1997	36 195	29 573	3 460	3 162
	1998	34 623	29 034	3 099	2 490
	1999	33 373	28 037	3 350	1 986
July	1997	38 251	31 815	3 363	3 073
	1998	36 424	30 716	3 233	2 475
	1999	34 159	28 968	3 212	1 979
August	1997	36 742	30 428	3 246	3 068
	1998	38 107	32 069	3 268	2 770
	1999	35 566	30 168	3 306	2 092
September	1997	39 649	32 769	3 432	3 448
	1998	36 674	30 818	3 211	2 645
	1999	33 085	28 256	3 159	1 670
October	1997	40 988	34 336	3 603	3 049
	1998	36 043	30 470	3 072	2 501
	1999	31 449	26 879	2 913	1 657
November	1997	35 353	29 610	3 129	2 614
	1998	35 246	29 700	3 178	2 368
	1999	30 542	25 978	2 993	1 571
December	1997	25 974	21 579	2 492	1 903
	1998	28 934	24 348	2 793	1 793
	1999	27 081	22 921	2 879	1 281

Source: DATAPREV, CAT.

Please note: These data are incomplete and are subject to correction.

Table 28

Number of workplace accidents recorded by cause and by region or state, 1997-1999

	Years	Total	Cause		
			Typical	On the way to work	Occupational diseases
Brazil	**1997**	**421 343**	**347 482**	**37 213**	**36 648**
	1998	**414 341**	**347 738**	**36 114**	**30 489**
	1999	**378 365**	**319 617**	**36 716**	**22 032**
Northern Region	**1997**	**7 334**	**6 104**	**799**	**431**
	1998	**8 582**	**6 838**	**954**	**790**
	1999	**8 837**	**7 276**	**958**	**603**
Rondônia	1997	1 083	900	152	31
	1998	1 343	1 093	183	67
	1999	1 423	1 192	198	33
Acre	1997	202	175	26	1
	1998	207	177	24	6
	1999	185	139	32	14
Amazonas	1997	2 156	1 722	205	229
	1998	2 426	1 759	273	394
	1999	2 271	1 695	201	375
Roraima*	1997	57	45	9	3
	1998	73	58	15	-
	1999	81	60	18	3
Pará	1997	3 312	2 829	318	165
	1998	3 860	3 193	350	317
	1999	4 023	3 475	384	164
Amapá	1997	183	138	44	1
	1998	199	146	51	2
	1999	200	149	51	-
Tocantins	1997	341	295	45	1
	1998	474	412	58	4
	1999	654	566	74	14
North-eastern Region	**1997**	**29 472**	**23 108**	**3 399**	**2 965**
	1998	**27 196**	**21 467**	**3 193**	**2 536**
	1999	**24 989**	**19 667**	**3 282**	**2 040**
Maranhão	1997	766	603	111	52
	1998	868	713	115	40
	1999	826	651	118	57

Table 28 (continued)

	Years	Total	Cause		
			Typical	On the way to work	Occupational diseases
Piaui	1997	462	330	118	14
	1998	488	335	138	15
	1999	599	443	138	18
Ceará	1997	3 193	2 371	585	237
	1998	3 243	2 360	619	264
	1999	3 551	2 630	617	304
Rio G. do Norte	1997	1 450	1 229	193	28
	1998	1 695	1 431	216	48
	1999	1 613	1 359	214	40
Paraiba	1997	1 500	1 209	173	118
	1998	1 340	1 051	144	145
	1999	1 126	858	166	102
Pernambuco	1997	7 087	5 880	867	340
	1998	6 111	4 948	845	318
	1999	5 924	4 677	870	377
Alagoas	1997	3 409	3 010	295	104
	1998	3 264	2 950	215	99
	1999	2 703	2 406	198	99
Sergipe	1997	1 284	1 001	136	147
	1998	1 358	1 094	111	153
	1999	1 165	918	116	131
Bahia	1997	10 321	7.475	921	1.925
	1998	8.829	6.585	790	1.454
	1999	7.482	5.725	845	912
South-eastern Region	**1997**	**277.938**	**227.208**	**23.958**	**26.772**
	1998	**271.499**	**226.993**	**22.789**	**21.717**
	1999	**242.702**	**204.579**	**22.942**	**15.181**
Minas Gerais	1997	51.494	39.202	3.806	8.486
	1998	48.643	40.051	3.319	5.273
	1999	46.491	39.780	3.771	2.940
Espirito Santo	1997	6.200	5.056	604	540
	1998	5.925	5.070	516	339
	1999	5.646	4.842	561	243
Rio de Janeiro	1997	25.382	20.386	4.095	901
	1998	24.738	19.789	3.806	1.143
	1999	23.272	18.235	3.729	1.308
São Paulo	1997	194.862	162.564	15.453	16.845
	1998	192.193	162.083	15.148	14.962
	1999	167.293	141.722	14.881	10.690

Table 28 (continued)

	Years	Total	Cause		
			Typical	On the way to work	Occupational diseases
Southern Region	**1997**	**91.183**	**78.669**	**7.090**	**5.424**
	1998	**91.273**	**79.559**	**7.162**	**4.552**
	1999	**85.488**	**74.706**	**7.277**	**3.505**
Paraná	1997	30.866	27.266	1.859	1.741
	1998	31.046	27.467	2.240	1.339
	1999	26.857	23.851	2.180	826
Santa Catarina	1997	21.582	18.954	1.922	706
	1998	23.267	20.490	2.064	713
	1999	23.496	20.571	2.295	630
Rio Grande do Sul	1997	38.735	32.449	3.309	2.977
	1998	36.960	31.602	2.858	2.500
	1999	35.135	30.284	2.802	2.049
Central-western Region	**1997**	**15.416**	**12.393**	**1.967**	**1.056**
	1998	**15.791**	**12.881**	**2.016**	**894**
	1999	**16.349**	**13.389**	**2.257**	**703**
Mato Grosso do Sul	1997	3.218	2.773	355	90
	1998	3.089	2.672	308	109
	1999	3.317	2.871	351	95
Mato Grosso	1997	3.194	2.730	315	149
	1998	3.531	3.067	279	185
	1999	3.531	3.146	288	97
Goiás	1997	6.113	4.854	906	353
	1998	6.227	4.920	975	332
	1999	6.304	4.902	1.104	298
Distrito Federal	1997	2.891	2.036	391	464
	1998	2.944	2.222	454	268
	1999	3.197	2.470	514	213

Source: DATAPREV, CAT.

Please note: The data are incomplete and are subject to correction.

* The information for Roraima is included in the information for Amazonas.

Table 29

Number of workplace accidents recorded by cause and by age bracket, 1997-1999

Age bracket	Years	Number of workplace accidents recorded							
		Cause							
		On the way to work				Occupational diseases			
		Total	Men	Women	Unknown*	Total	Men	Women	Unknown*
Total	**1997**	**37 213**	**13 676**	**4 838**	**18 699**	**36 648**	**6 068**	**11 848**	**18 732**
	1998	**36 114**	**23 485**	**9 851**	**2 778**	**30 489**	**14 862**	**13 678**	**1 949**
	1999	**36 716**	**25 548**	**11 139**	**29**	**22 032**	**11 886**	**10 136**	**10**
Up until 19 years of age	1997	2 620	1 062	226	1 332	788	111	356	321
	1998	2 446	1 802	443	201	730	254	443	33
	1999	2 365	1 834	527	4	408	128	280	-
Ages 20 to 24	1997	6 414	2 418	610	3 386	3 308	553	1 510	1 245
	1998	6 477	4 528	1 431	518	2 985	1 008	1 812	165
	1999	7 009	5 322	1 680	7	2 152	824	1 326	2
Ages 25 to 29	1997	6 257	2 393	679	3 185	4 732	890	2 017	1 825
	1998	6 320	4 364	1 476	480	4 176	1 599	2 362	215
	1999	6 697	4 933	1 760	4	2 999	1 259	1 739	1
Ages 30 to 34	1997	5 670	2 152	711	2 807	5 758	1 064	2 112	2 582
	1998	5 696	3 808	1 484	404	4 927	2 239	2 438	250
	1999	5 754	4 005	1 744	5	3 619	1 768	1 848	3
Ages 35 to 39	1997	4 613	1 717	688	2 208	6 530	1 121	2 178	3 231
	1998	4 737	2 925	1 462	350	5 433	2 630	2 506	297
	1999	4 793	3 224	1 564	5	3 870	2 051	1 818	1
Ages 40 to 44	1997	3 878	1 383	622	1 873	6 099	978	1 628	3 493
	1998	3 786	2 216	1 297	273	5 141	2 814	2 000	327
	1999	3 785	2 380	1 403	2	3 998	2 411	1 587	-
Ages 45 to 49	1997	2 672	879	473	1 320	4 079	579	878	2 622
	1998	2 529	1 481	879	169	3 386	2 048	1 099	239
	1999	2 750	1 644	1 105	1	2 463	1 635	827	1
Ages 50 to 54	1997	1 589	535	319	735	1 901	250	298	1 353
	1998	1 537	847	591	99	1 636	1 056	436	144
	1999	1 550	884	666	-	1 208	908	300	-
Ages 55 to 59	1997	926	325	168	433	883	108	127	648
	1998	910	510	343	57	720	524	126	70
	1999	865	504	360	1	520	405	115	-
Ages 60 to 64	1997	402	160	41	201	341	52	7	282
	1998	389	268	86	35	238	187	22	29
	1999	381	280	101	-	186	164	20	2
Ages 65 to 69	1997	102	20	6	76	125	12	2	111
	1998	95	54	33	8	64	53	3	8
	1999	86	64	22	-	42	42	-	-
70 years of age or older	1997	36	4	2	30	33	-	1	32
	1998	27	14	9	4	11	7	-	4
	1999	39	28	11	-	12	10	2	-
Unknown	1997	2 034	628	293	1 113	2 071	350	734	987
	1998	1 165	668	317	180	1 042	443	431	168
	1999	642	446	196	-	555	281	274	-

Source: DATAPREV, CAT.

Please note: The data are incomplete and are subject to corrections.

* In 1997 gender variables began to be included in the data transmitted by the various units to the central database under the CAT system. As additional units adopt these procedures there will be a constant and gradual decrease in the number of gender cases that are considered to be unknown.

Table 30

Number of workplace accidents recorded by cause, gender and age bracket, 1997-1999

Age	Years	Number of workplace accidents recorded							
		Total				Typical accidents			
		Total	Men	Women	Unknown*	Total	Men	Women	Unknown*
Total	**1997**	**421 343**	**118 349**	**32 400**	**270 594**	**347 482**	**98 605**	**15 714**	**233 163**
	1998	**414 341**	**298 399**	**72 142**	**43 800**	**347 738**	**260 052**	**48 613**	**39 073**
	1999	**378 365**	**302 684**	**75 026**	**655**	**319 617**	**265 250**	**53 751**	**616**
Up until the age of 19	1997	30 901	8 754	1 643	20 504	27 493	7 581	1 061	18 851
	1998	29 015	21 895	3 813	3 307	25 839	19 839	2 927	3 073
	1999	24 760	20 802	3 892	66	21 987	18 840	3 085	62
Ages 20 to 24	1997	73 691	18 818	4 054	50 819	63 969	15 847	1 934	46 188
	1998	74 343	55 808	10 186	8 349	64 881	50 272	6 943	7 666
	1999	69 889	58 642	11 094	153	60 728	52 496	8 088	144
Ages 25 to 29	1997	69 500	18 726	4 854	45 920	58 511	15 443	2 158	40 910
	1998	70 973	51 935	11 417	7 621	60 477	45 972	7 579	6 926
	1999	66 198	54 137	11 943	118	56 502	47 945	8 444	113
Ages 30 to 34	1997	63 664	17 886	5 070	40 708	52 236	14 670	2 247	35 319
	1998	64 379	46 128	11 696	6 555	53 756	40 081	7 774	5 901
	1999	59 881	47 502	12 270	109	50 508	41 729	8 678	101
Ages 35 to 39	1997	54 950	15 866	5 239	33 845	43 807	13 028	2 373	28 406
	1998	55 177	38 459	11 478	5 240	45 007	32 904	7 510	4 593
	1999	51 690	39 933	11 686	71	43 027	34 658	8 304	65
Ages 40 to 44	1997	45 172	13 469	4 315	27 388	35 195	11 108	2 065	22 022
	1998	44 571	30 971	9 462	4 138	35 644	25 941	6 165	3 538
	1999	41 976	31 939	9 978	59	34 193	27 148	6 988	57
Ages 45 to 49	1997	30 513	9 220	2 903	18 390	23 762	7 762	1 552	14 448
	1998	29 966	20 957	6 185	2 824	24 051	17 428	4 207	2 416
	1999	28 107	21 494	6 582	31	22 894	18 215	4 650	29
Ages 50 to 54	1997	17 500	5 616	1 652	10 232	14 010	4 831	1 035	8 144
	1998	17 276	12 189	3 518	1 569	14 103	10 286	2 491	1 326
	1999	15 973	12 090	3 861	22	13 215	10 298	2 895	22
Ages 55 to 59	1997	9 298	3 260	732	5 306	7 489	2 827	437	4 225
	1998	9 266	6 817	1 622	827	7 636	5 783	1 153	700
	1999	8 483	6 678	1 794	11	7 098	5 769	1 319	10
Ages 60 to 64	1997	3 850	1 288	125	2 437	3 107	1 076	77	1 954
	1998	3 528	2 781	401	346	2 901	2 326	293	282
	1999	3 392	2 906	479	7	2 825	2 462	358	5
Ages 65 to 69	1997	1 079	187	21	871	852	155	13	684
	1998	943	738	96	109	784	631	60	93
	1999	833	718	115	-	705	612	93	-
70 years of age and older	1997	346	29	4	313	277	25	1	251
	1998	310	224	32	54	272	203	23	46
	1999	289	243	45	1	238	205	32	1
Unknown	1997	20 879	5 230	1 788	13 861	16 774	4 252	761	11 761
	1998	14 594	9 497	2 236	2 861	12 387	8 386	1 488	2 513
	1999	6 894	5 600	1 287	7	5 697	4 873	817	7

Source: DATAPREV, CAT.

Please note: The data are incomplete and are subject to corrections.

* In 1997 gender variables began to be included in the data transmitted by the various units to the central database under the CAT system. As additional units adopt these procedures there will be a constant and gradual decrease in the number of gender cases that are considered to be unknown.

Table 31

Monthly number of workplace accidents settled, by consequences, 1997-1999

Month	Years	Number of workplace accidents settled						
		Total	Results					
			Medical assistance	Temporary disability			Permanent disability	Death
				Total	Less than 15 days	More than 15 days		
Total	**1997**	**440 281**	**56 431**	**362 712**	**206 608**	**156 104**	**17 669**	**3 469**
	1998	**408 987**	**55 686**	**333 234**	**188 221**	**145 013**	**15 923**	**4 144**
	1999	**393 946**	**48 948**	**324 728**	**187 211**	**137 517**	**16 347**	**3 923**
January	1997	33 875	4 667	27 408	15 918	11 490	1 462	338
	1998	31 949	4 276	26 018	14 150	11 868	1 332	323
	1999	28 940	3 172	23 957	13 245	10 712	1 467	344
February	1997	30 741	3 668	25 587	14 231	11 356	1 200	286
	1998	29 434	3 563	24 469	13 603	10 866	1 110	292
	1999	30 753	3 355	25 855	15 749	10 106	1 191	352
March	1997	36 230	3 885	30 608	16 669	13 939	1 409	328
	1998	36 876	4 091	31 105	17 933	13 172	1 302	378
	1999	35 815	4 589	29 551	17 018	12 533	1 350	325
April	1997	38 964	5 929	31 168	17 785	13 383	1 546	321
	1998	33 865	4 202	28 041	16 053	11 988	1 296	326
	1999	30 737	3 617	25 465	14 450	11 015	1 322	333
May	1997	36 899	5 144	29 983	16 590	13 393	1 465	307
	1998	37 793	8 873	27 079	14 772	12 307	1 461	380
	1999	34 901	4 607	28 432	16 386	12 046	1 503	359
June	1997	37 540	4 700	31 066	18 486	12 580	1 464	310
	1998	34 197	4 493	27 649	15 501	12 148	1 693	362
	1999	34 561	3 853	28 849	17 096	11 753	1 542	317
July	1997	37 853	4 943	30 895	17 183	13 712	1 705	310
	1998	36 375	4 394	30 294	17 435	12 859	1 314	373
	1999	35 278	5 000	28 486	16 392	12 094	1 439	353
August	1997	37 194	4 200	31 081	17 364	13 717	1 605	308
	1998	35 100	5 330	28 066	15 061	13 005	1 341	363
	1999	35 388	4 375	29 342	16 814	12 528	1 336	335
September	1997	39 893	5 902	32 254	19 189	13 065	1 496	241
	1998	33 997	4 395	28 023	15 716	12 307	1 235	344
	1999	35 269	4 650	28 927	17 250	11 677	1 363	329
October	1997	40 979	5 046	34 142	20 016	14 126	1 569	222
	1998	36 115	4 836	29 578	17 291	12 287	1 331	370
	1999	32 259	4 233	26 369	14 920	11 449	1 337	320
November	1997	37 240	4 387	31 097	17 916	13 181	1 500	256
	1998	33 687	3 916	28 225	16 393	11 832	1 212	334
	1999	31 159	4 120	25 545	14 484	11 061	1 228	266
December	1997	32 873	3 960	27 423	15 261	12 162	1 248	242
	1998	29 599	3 317	24 687	14 313	10 374	1 296	299
	1999	28 886	3 377	23 950	13 407	10 543	1 269	290

Source: DATAPREV, SUB and CAT.

Please note: The data are incomplete and are subject to corrections.

Table 32

Number of workplace accidents settled, by major region and state, 1997-1999

Regions and states	Years	Number of workplace accidents settled						
		Total	Results					
			Medical assistance	Temporary disability			Permanent disability	Death
				Total	Less than 15 days	More than 15 days		
Brazil	**1997**	**440 281**	**56 431**	**362 712**	**206 608**	**156 104**	**17 669**	**3 469**
	1998	**408 987**	**55 686**	**333 234**	**188 221**	**145 013**	**15 923**	**4 144**
	1999	**393 946**	**48 948**	**324 728**	**187 211**	**137 517**	**16 347**	**3 923**
Northern Region	**1997**	**5 849**	**601**	**4 623**	**1 234**	**3 389**	**492**	**133**
	1998	**6 396**	**755**	**4 995**	**1 211**	**3 784**	**437**	**209**
	1999	**7 007**	**1 088**	**5 269**	**1 481**	**3 788**	**464**	**186**
Rondônia	1997	1 060	16	939	371	568	71	34
	1998	1 311	15	1 160	377	783	84	52
	1999	1 430	26	1 253	424	829	118	33
Acre	1997	87	2	74	9	65	7	4
	1998	85	3	72	3	69	7	3
	1999	93	-	66	6	60	21	6
Amazonas	1997	1 062	-	936	2	934	108	18
	1998	1 102	20	1 009	15	994	46	27
	1999	1 420	201	1 143	337	806	61	15
Roraima	1997	55	-	35	-	35	15	5
	1998	62	1	45	-	45	9	7
	1999	71	2	45	-	45	14	10
Pará	1997	3 127	583	2 229	698	1 531	258	57
	1998	3 282	712	2 232	646	1 586	263	75
	1999	3 383	780	2 279	563	1 716	220	104
Amapá	1997	175	-	164	95	69	5	6
	1998	133	-	112	46	66	10	11
	1999	104	-	95	8	87	3	6
Tocantins	1997	283	-	246	59	187	28	9
	1998	421	4	365	124	241	18	34
	1999	506	79	388	143	245	27	12
North-eastern Region	**1997**	**30 406**	**3 191**	**24 503**	**9 896**	**14 607**	**2 168**	**544**
	1998	**27 121**	**3 255**	**21 099**	**8 375**	**12 724**	**2 142**	**625**
	1999	**25 231**	**3 049**	**19 099**	**7 740**	**11 359**	**2 533**	**550**
Maranhão	1997	600	9	527	32	495	42	22
	1998	614	6	513	45	468	56	39
	1999	554	8	391	26	365	125	30
Piauí	1997	357	1	316	25	291	18	22
	1998	379	-	313	35	278	31	35
	1999	408	17	306	24	282	58	27
Ceará	1997	3 001	159	2 494	829	1 665	271	77
	1998	3 105	180	2 559	882	1 677	281	85
	1999	3 320	592	2 441	825	1 616	206	81
Rio G. do Norte	1997	1 401	76	1 172	376	796	119	34
	1998	1 712	85	1 435	646	789	148	44
	1999	1 530	65	1 249	482	767	196	20
Paraíba	1997	1 450	130	1 163	504	659	120	37
	1998	1 249	54	1 023	364	659	136	36
	1999	1 125	35	909	309	600	136	45
Pernambuco	1997	8 743	348	7 761	3 701	4 060	509	125
	1998	6 807	345	5 819	2 565	3 254	501	142
	1999	6 161	329	5 221	2 185	3 036	466	145
Alagoas	1997	2 810	204	2 505	1 734	771	68	33
	1998	2 921	346	2 473	1 768	705	59	43
	1999	2 909	307	2 479	1 855	624	85	38

Table 32 (continued)

Regions and states	Years	Number of workplace accidents settled						
		Total	Results					
			Medical assistance	Temporary disability			Permanent disability	Death
				Total	Less than 15 days	More than 15 days		
Sergipe	1997	1 355	296	940	471	469	62	57
	1998	1 458	413	941	480	461	67	37
	1999	1 248	260	879	444	435	92	17
Bahia	1997	10 689	1 968	7 625	2 224	5 401	959	137
	1998	8 876	1 826	6 023	1 590	4 433	863	164
	1999	7 976	1 436	5 224	1 590	3 634	1 169	147
South-eastern Region	**1997**	**299 627**	**40 866**	**245 185**	**153 957**	**91 228**	**11 786**	**1 790**
	1998	**270 998**	**38 125**	**220 960**	**139 642**	**81 318**	**9 833**	**2 080**
	1999	**260 579**	**37 810**	**210 834**	**135 738**	**75 096**	**9 940**	**1 995**
Minas Gerais	1997	54 886	8 565	41 507	23 677	17 830	4 417	397
	1998	49 699	8 877	36 707	21 691	15 016	3 646	469
	1999	50 802	10 682	36 633	23 517	13 116	2 994	493
Espírito Santo	1997	6 081	835	4 616	1 944	2 672	509	121
	1998	5 811	972	4 378	1 805	2 573	338	123
	1999	5 597	1 039	4 137	1 747	2 390	304	117
Rio de Janeiro	1997	24 692	3 380	20 198	8 781	11 417	861	253
	1998	23 253	3 498	18 627	8 166	10 461	765	363
	1999	21 443	3 463	16 4.7	7 237	9 180	1 219	344
São Paulo	1997	213 968	28 086	178 864	119 555	59 309	5 999	1 019
	1998	192 235	24 778	161 248	107 980	53 268	5 084	1 125
	1999	182 737	22 626	153 647	103 237	50 410	5 423	1 041
Southern Region	**1997**	**90 087**	**11 162**	**75 976**	**36 707**	**39 269**	**2 256**	**693**
	1998	**89 819**	**12 867**	**73 640**	**34 445**	**39 195**	**2 509**	**803**
	1999	**86 628**	**6 315**	**77 049**	**38 136**	**38 913**	**2 469**	**795**
Paraná	1997	27 698	5 785	20 882	11 035	9 847	763	268
	1998	30 164	7 555	21 468	11 461	10 007	787	354
	1999	28 591	2 104	25 476	15 815	9 661	682	329
Santa Catarina	1997	23 577	2 466	20 377	10 557	9 820	524	210
	1998	24 261	2 742	20 791	11 212	9 579	510	218
	1999	23 413	1 485	21 128	10 990	10 138	573	227
Rio Grande do Sul	1997	38 812	2 911	34 717	15 115	19 602	969	215
	1998	35 394	2 570	31 381	11 772	19 609	1 212	231
	1999	34 624	2 726	30 445	11 331	19 114	1 214	239
Central Western Region	**1997**	**14 312**	**611**	**12 425**	**4 814**	**7 611**	**967**	**309**
	1998	**14 652**	**684**	**12 540**	**4 548**	**7 992**	**1 002**	**426**
	1999	**14 501**	**686**	**12 477**	**4 116**	**8 361**	**941**	**397**
Mato Grosso do Sul	1997	3 211	52	2 914	1 096	1 818	179	66
	1998	3 095	48	2 783	884	1 899	186	78
	1999	3 290	71	2 904	772	2 132	252	63
Mato Grosso	1997	3 147	177	2 684	1 124	1 560	170	116
	1998	3 484	257	2 919	988	1 931	171	137
	1999	3 278	255	2 734	809	1 925	161	128
Goias	1997	5 566	277	4 867	2 142	2 725	337	85
	1998	5 894	287	5 067	2 237	2 830	396	144
	1999	5 927	255	5 142	2 150	2 992	402	128
Distrito Federal	1997	2 388	105	1 960	452	1 508	281	42
	1998	2 179	92	1 771	439	1 332	249	67
	1999	2 006	105	1 697	385	1 312	126	78
Unknown	1997	-	-	-	-	-	-	-
	1998	1	-	-	-	-	-	1
	1999	-	-	-	-	-	-	-

Source: DATAPREV, SUB and CAT.

Please note: The data are incomplete and are subject to corrections.

158. Brazilian legislation regarding remunerated weekly rest periods is found in the Federal Constitution, in Law 605/49 and in the Consolidated Labour Laws. All this legislation allows workers to enjoy the right to a weekly remunerated rest period of 24 consecutive hours which should be given preferentially on Sundays, whatever the activity in question might be. The above legislation came with a list of activities that had to continue on Sundays because of the company's technical requirements, in which case permanent permission was granted for work that needed to be done on rest days. Examples included dairy companies or port services. This means that the worker had to be given a different rest day as part of a rotating system of duty shifts for all employees, in accordance with regulations approved by Decree 27048, dated 12 August 1949.

159. As time went by this list no longer met the needs of the times, particularly with regard to the requirements of supermarkets or hypermarkets that had not been specifically mentioned in the decree. Furthermore, in large urban centres where commercial relations had become increasingly complex, it became clear that society demanded that a number of establishments be kept open on Sundays. For this reason Decree 99467/90 was passed, allowing retail stores to open on Sundays in general, as long as a collective agreement or accord in this regard had been signed.

160. With a view to injecting dynamism into commerce and to generating retail job openings, on 7 August 1997 the Government issued Provisional Measure 1539-34. Article 6 determines that people may work on Sundays, in the retail trade in general, as long as workplace protection standards and municipal legislation governing opening hours for places of business are respected. This measure has preserved the rights that protect workers (another rest day, limited working hours and rest periods during the day). The Provisional Measure left other decisions to the municipalities, such as exact opening hours for trade establishments, thus respecting the rights of municipalities that are enshrined in the Constitution.

161. When Provisional Measure[5] 1539-35, dated 4 September 1997, was issued, the National Confederation of Workers in Retail Trade (CNTC) contested the measure in the Federal Supreme Court (STF), alleging the unconstitutionality of article 6. In a preliminary decision the STF suspended the effects of the legal order in question via Message 121, handed down on 25 September 1997 (ADIN 1675). The request for immediate action regarding the unconstitutionality of the issue was subsequently considered to be flawed and the preliminary injunction that had been granted was then annulled. The Federal Government had been monitoring these judicial developments and therefore decided to change the wording of article 6. This was done via Provisional Measure 1539-36, dated 2 October 1997. The new text reads as follows: "Beginning 9 November 1997, work on Sundays in retail establishments in general is hereby authorized, pursuant to Constitutional Article 30, paragraph I. Sole paragraph. Remunerated weekly rest periods must fall on a Sunday at least once every four weeks. All other norms designed to protect workers and/or other decisions reached by collective bargaining or agreements must continue to be respected."

162. Article 30, paragraph I, of the Federal Constitution refers to the power of municipalities to legislate upon matters of local interest. The new sole paragraph was added to the Provisional Measure to ensure that it would be fully in line with the Constitution, which requires a weekly rest period to fall preferably on Sundays. As a result, once every four weeks at most the worker in retail trade who is asked to work on Sundays will be rotated to ensure that his or her rest period will fall on a Sunday.

163. The Provisional Measure in question has not been transformed into a law by the National Congress yet, so the Federal Government has been reissuing the Measure on a monthly basis with the exact wording mentioned above.

164. All workers are guaranteed a weekly rest period; when workers are required on Sundays a rotating schedule is prepared. When such rotating schedules become impossible, for example in the case of cast members of theatre productions or others in similar situations, another weekly rest period must be guaranteed, pursuant to article 10, paragraph IX, of Law 6533, dated 24 May 1978.

165. The Federal Constitution of 1998 has determined that all urban, rural, special category or domestic workers have a right to enjoy annual vacations with remuneration at least one third higher than the normal salary (art. 7, para. XVII). The additional one third of a monthly wage is designed to give workers some extra earnings to allow them to enjoy their annual rest period with their family in a better fashion.

166. Articles 129 and 130 of the CLT also guarantee that all workers will have the right to enjoy a vacation period whose duration will depend on the workers' diligence, after the employment contract has been in effect for a period of 12 months.

167. Workers who have not missed work more than five times during the period in question will have the right to enjoy 30 consecutive days of vacation. If the worker has missed work 6 to 14 times, this vacation period will be reduced to 24 consecutive days and if the worker has been absent from the workplace from 15 to 23 times they will have the right to enjoy 18 consecutive days of vacation. Finally, workers who have missed work between 24 and 32 times will have the right to 12 days of vacation. Any worker who has been absent from the workplace without a proper explanation more than 32 times will lose his or her right to a vacation for the period in question. The time spent on vacation is included in length-of-service calculations whenever legal requirements come into play. In an attempt to adapt Brazil's legal framework to labour market requirements, the Brazilian Government passed Provisional Measure 1709, on 6 August 1998, by which it created a part-time work system. Part-time work must not exceed 25 hours a week. Currently, Provisional Measure 1952-26, of 26 July 2000 is in effect.

168. The reduced workday required the creation of new criteria to be used when determining vacation periods, as follows: 18 days of annual leave for weekly work ranging from 22 to 25 hours; 16 days for 20 to 22 hours of weekly work; 14 days for 15 to 20 hours per week; 12 days for 10 to 15 hours per week; 10 days for 5 to 10 hours per week and 8 days for 5 or less hours of work a week. Under this system, overtime is not allowed, vacations may not be

split into more than one period, and employees may not sell their vacations for money. When the employee has no justification for having missed work more than seven times in a 12-month period, the corresponding vacation will be cut in half.

169. The traditional workweek in Brazil is 44 hours. However, the more highly organized trade unions, particularly in the automobile sector, have demanded workweeks of 40 hours to help preserve current jobs (a number of collective bargaining negotiations have led to agreements of this nature).

170. At this time, a normal workday is a period of eight hours. Current laws have created exceptions for special groups of workers such as those in the banking sector, telephone workers, professional musicians, cinema operators, maritime workers, miners, railway workers, journalists, doctors and others. This workday can be extended for an additional two hours via a written agreement between the employer and the employee or through collective bargaining.

171. Federal legislation attempts to dissuade excessive use of overtime by requiring a minimum hourly wage that is 50 per cent higher than the normal hourly wage. Additional wages for overtime can be waived if the overtime on one day is compensated by reducing the work on the next day. Nevertheless, no total workday may exceed 10 hours. In the case of industrial activities that require operations 24 hours a day, workplace shifts of 6 hours each have been created. Depending on collective bargaining, these shifts may be as long as eight hours a day, on a rotating duty schedule.

172. Because of the singularities of certain activities in places such as hospitals, for example, collective bargaining has introduced a system of 12 hours on the job and 36 hours off the job. In the case of security personnel these periods can be as long as 24 hours on the job and 72 hours off the job, as long as labour jurisprudence supports this decision.

173. The Office for the Inspection and Auditing of the Workplace has been given the responsibility of routinely checking on rest periods in workplace contracts whenever they go to companies to examine any other workplace documents.

174. From January to July 2000, 6,237 cases of charges regarding leave or rest periods were registered, representing 11.47 per cent of total workplace inspections charges that were filed for that period. These charges were filed after inspecting 4,779 companies. Most irregularities are found in rural areas and primarily occur when work similar to slave labour or under degrading conditions is found. The Government has a specialized team to combat slave or degrading labour.

175. The workers who are affected most are always those who do not have proper working documents. Since the enjoyment of their rights is not registered in working documents, it becomes harder for inspectors to verify past violations. In order to more effectively protect workers' rights in rural areas, we are currently studying alternatives and have initiated a programme to encourage proper solutions leading to formal employment relationships. Within this framework, we have heard that in the city of Rolândia in the State of Paraná farmers have been developing a collective system to hire temporary rural manpower since 1997.

176. In July 1999, the Workplace Inspection Secretary sent a group of workplace inspectors and auditors to learn about this experiment in Rolândia. It was seen that this type of contract met the needs of both employers and employees in rural areas and a project was immediately set up to publicize this form of hiring throughout the nation.

177. Another important type of system is the so-called "Consortium of Rural Employers", initially also called the "Employers Consortium" or "Employee Registry Run Collectively on Behalf of Employers". These systems bring together farmers and individuals for the sole purpose of directly and jointly hiring rural workers. One of the farmers is given the power to hire and manage the labour force to be shared by all the farmers. In Brazil, the key incentive leading rural producers to assume joint responsibility as employers is the legal security that results from the labour relationship and the low cost of mandatory benefits. Attempts to outsource labour in rural areas have always encountered legal constraints, particularly when the activity in question is the primary activity of the employer. Such situations have led to a number of ongoing lawsuits and have led to tremendous labour liabilities. Now intensified State control via Ministry of Labour and Employment inspections, the Federal Public Ministry and the labour courts have set the stage in a proper fashion to allow this new hiring system to be created and implemented.

178. Social security legislation establishes a difference between the amounts to be paid into the system by employers that are legal entities and those that are individuals. The social security contributions (or payroll taxes) to be paid by legal entities are based on remuneration paid to workers, whereas social security to be paid by individuals is a reflection of the sales of products resulting from rural activities. The latter payments are undeniably lower. As an individual a rural employer will only pay 2 per cent on what is sold into the social security system, as described above, whereas employers that are legal entities will be charged 20 per cent of the worker's wages. Other payroll taxes, called taxes for third parties, are also differentiated. In the case of individuals in rural areas, 2.5 per cent must be set aside as educational wages and 0.2 per cent must go to the National Institute for Colonization and Agrarian Reform (INCRA) of the Rural Development Ministry. For legal entities in rural areas, 2.5 per cent must be sent to the National Service for Rural Apprenticeship, called SENAR, in addition to the two taxes mentioned immediately above.

179. The pioneering experiment in Rolândia, Paraná, involves approximately 170 farmers producers and 860 workers. The Ministry of Labour and Employment has expanded the model to include the States of Minas Gerais and São Paulo. Ten Consortiums of Rural Employers have been set up in Minas Gerais, comprising a total of 320 rural producers and three additional Consortiums are still being formed, in addition to eight Consortiums in São Paulo, comprising 364 farmers producers. In Minas Gerais 3,128 rural employees have been registered and in São Paulo 5,640.

180. The fact that a direct labour relationship between the employer and the worker in rural areas has been guaranteed clears the way for the possibility of progress when enforcing rest period legislation in the near term.

Article 8

181. It is worth mentioning the following concerning international instruments on which information is requested by the Commission of Economic, Social and Cultural Rights in its guidelines:

(a) International Covenant on Civil and Political Rights. Brazil signed the International Covenant on Civil and Political Rights and ratified it on 24 January 1992. The Covenant came into force in Brazil on 24 April that same year. It was proclaimed by Decree No. 592 dated 6 July 1992. In 1994, the initial report was submitted to the Human Rights Committee (CCPR/C/81/Add.6, dated 2 March 1995). A periodic report is being drafted, as prescribed in the Covenant;

(b) ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98). The Convention was ratified by Brazil on 18 November 1952. The latest report on the application of the Convention was forwarded to the ILO in 1999. In April that same year, the ILO sent to Brazil a technical advisory delegation to confirm the progress in collective bargaining. The Government was requested to provide information in the next document about all measures taken to boost collective bargaining in the autarchies and public foundations, since they are not part of the core functions of the State. It also requested information about the express repeal of article 623 of the CLT (Consolidation of Labour Laws) on the nullity of the provisions of a convention or agreement that are contrary to the rules of the financial economic policy of the Government or prevailing wage policy;

(c) ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Labour Relations (Public Service) Convention, 1978 (No. 151).

These conventions have not been ratified by Brazil.

182. In Brazil, there are no legal requirements for setting up a trade union. The freedom of association and of trade unions are rights prescribed in the 1988 Federal Constitution. The Constitution prescribes on the matter of freedom of association in article 5, sub-items XVII to XX.[6] These rules also apply to the association in trade unions, pursuant to article 8, paragraph I, of the Federal Constitution.[7]

183. In 1937, the prevailing Federal Constitution followed the Italian corporatist model of trade union organization, establishing constraints of a unique nature on trade unions in terms of economic and professional category, and recognition by the State, and requiring the association to be officially established by charter, and to be funded through mandatory contributions.

184. The 1988 Constitution eliminated the need for trade union recognition by charter and created the confederate contribution. Trade unions today only require to be registered at the Ministry of Labour and Employment, the government agency that verifies that the trade union meets the conditions of article 8. The 1988 Federal Constitution also eliminated State control

over trade unions, the recognition and operation of which were previously subject to arbitrary action by public agents. It may be said without hesitation that the new constitutional text established an environment of freedom previously unknown by Brazilian trade unionism. However, it should be noted that the question of trade union freedom deserves to be improved in the constitutional text itself. In fact, the aforementioned article 8 has continued with some of the same constraints as the trade union model inherited from the State system of labour relations - the regulation that a union may represent only one economic or professional category and the requirement of compulsory contribution mentioned in items II and IV of article 8 of the Constitution.[8]

185. On this point, the Brazilian Government wishes to refer again to ILO Convention No. 87. In order to move towards full trade union freedom, the Government submitted to the National Congress the bill for a Constitutional Amendment No. 623/98, mentioned above. The purposes of the constitutional amendment are: freedom to create trade unions without being obliged to fulfil the criterion of professional or economic category, as well as the freedom to join or not; the end of the monopoly on representation caused by mandatory trade union membership, foreseeing the adoption of a law essential to the transition from the trade union system to trade union freedom; suppression of the so-called confederation contribution, to be replaced by a contribution approved by a general meeting of members; review of the regulatory authority, continuing with the Labour Court as an optional arbitrator of collective economic disputes at the joint request of the parties and, in cases of public interest, the possibility of binding arbitration of labour disputes; the institution of extra-judicial prosecution prior to mediation and conciliation in individual disputes. Once the proposal is approved by the National Congress, Brazil will be fully in conformity with the provision of ILO Convention No. 87 and will be in appropriate institutional conditions to fully practise collective bargaining.

186. Currently, the creation of a trade union federation is possible based on a minimum of five trade unions, in compliance with the limitation of only one union per economic or professional category in the same territorial unit. A minimum of three federations are required to create a confederation, with the same requirement. In Brazilian legislation, there is no impediment to trade union representative entities' joining international trade union organizations.

187. With regard to how the trade unions operate, the basic text is again article 8 of the Federal Constitution, when establishing guarantees for the freedom of association and practising of trade union activity, such as freedom to be a member or to continue as a member of a trade union (item V), the mandatory participation of the trade unions in collective labour bargaining (item VI) and security of employment of a trade union member who applies or is elected to a post of trade union official until a year after the end of the term of office (item VIII). Trade unions also enjoy the freedom to be members of similar international organizations.

188. Constraints against the right to organize trade unions are bound to the constitutional principle of trade union uniqueness, which, for example, forbids the creation of a company union. With the exception of the military, all other workers, including public servants, are entitled to be members of trade unions. The impediment against association of members of the armed forces and federal and state military, military police and military firemen - is stated in article 42, paragraph 5, of the Constitution.

189. Today there are no accurate statistics on the Brazilian trade union structure. According to data available in the Ministry of Labour and Employment, between 1931 and October 1988 (period in which the State controlled the creation and operation of trade unions), around 10,600 institutions of this kind were recognized in Brazil. After adopting the prevailing 1988 Constitution, and until 1999, it is estimated that approximately 6,000 trade unions had been created which today total around 16,500 institutions representing professional and economic categories.

190. The workers' right to strike is guaranteed by the Federal Constitution, in the introductory paragraph to article 9.[9] On the other hand, paragraph 1 of article 9 indicates that it is the duty of a specific law to establish the essential services or activities and the way to meet the pressing needs of the population. The constitutional rule is regulated by Law No. 7783, dated 28 June 1989, which states in its article 10 the essential activities and sectors to which apply the constraints also recognized in article 8 of the International Covenant on Economic, Social and Cultural Rights.[10]

191. Article 11 of the aforementioned law stipulates that, in services or activities considered essential, trade unions, employers and workers are obliged to guarantee, during the strike, to provide the essential services to meet the pressing needs of the community. It also clarifies the concept of "pressing needs" as those, should they fail to be provided, imply imminent danger to the survival, health and security of the population. Should these provisions fail to be met, the public authorities are responsible for ensuring the provision of the essential services. Moreover, the same statute provides that, in strikes of essential services or activities, the trade unions or workers must report the decision to the employers and users at least 72 hours before the walkout.

192. The regulation also foresees that, through an agreement between workers and employers, teams of employees are maintained in order to prevent the walkout from resulting in irreparable damage to property, machinery and equipment, and that it is possible to immediately resume company operations when the strike ceases.

193. The Constitution, article 9, paragraph 2, cautions that abuse of the right to strike subjects those responsible to legal penalties. Law 7783 characterizes abuse of the right to strike as non-compliance with the rules contained therein and continuing the stoppage after signing an agreement, convention or labour court decision, the last stating, on the basis of the relevant jurisprudence, whether the strike is legal.

194. The right to strike is, therefore, guaranteed to all categories of workers - except members of the military, as mentioned previously - pursuant to the conditions relating to special services or activities. The Federal Constitution also recognizes this right to the civil public servants, in terms and with constraints stated by a complementary law (art. 37, item VII). Should there be no rules on this constitutional provision, then, by principle of analogy, the provisions of Law No. 7783 prevail.

195. The right to strike is widely ensured by the internal legal system and has been freely exercised since the restoration of the democratic system and advent of the 1988 Constitution.

Article 9

196. Concerning international instruments on the matter of social security to be addressed in the report as recommended by the Committee, the Brazilian Government mentions:

(a) ILO Social Security (Minimum Standards) Convention, 1952 (No. 102); Employment Injury Benefits Convention, 1964 (No. 121); Invalidity, Old Age and Survivors' Benefits Convention, 1967 (No. 128); Medical Care and Sickness Benefits Convention, 1969 (No. 130). The legislation on social security in Brazil has been undergoing a process of change to offer greater protection than the provisions considered by these conventions, conceived decades ago. This is why none of them has been ratified by Brazil;

(b) ILO Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168). Brazil ratified this convention on 23 September 1993. The latest report was submitted to the ILO in 1998 and was received without comment by the Committee of Experts.

197. Before making detailed comments on social security in Brazil, the Brazilian Government considers it essential to submit to the Committee on Economic, Social and Cultural Rights some viewpoints that characterize its perception of the matter and the commitment that it has firmly endeavoured to fulfil concerning all, without distinction.

198. The creation of a protection network for the worker has for years been one of the essential concerns of the State and the social security system plays an important role in this network.

199. A system that protects the worker, such as the social security system, provided on an ongoing basis, involves a huge amount of resources and obligations. In order for it to survive over the years, it is necessary for each participant to contribute with a portion of his or her income while economically active. Financing the system is based, therefore, on the contributory nature of the beneficiary's employment. Should a citizen receive a pension without having contributed to it at any moment, the overall system would be paying the bill, since the resources would have to be taken from other contributors.

200. At the same time, the contribution must be established according to the capacity of each individual, and the benefit must be in proportion to this same contribution. This is the principle of equality. Should this fail to happen, certain persons or groups of people will be enjoying benefits to which they did not duly contribute.

201. To a certain extent, some distribution of income does eventually occur within the system. But this distribution must be in the correct direction, with the system's rules benefiting those with less purchasing power. This solidarity with the underprivileged is a rule that strengthens social cohesion. It is a mistake, however, to consider the social security system essentially as a mechanism for reducing social disparities.

202. Every member of society must be protected by the social security system, as stated in the principle of universality, since social risks affect everyone and, for this reason, there is no sense in protecting only some groups and not others. This principle permits the State to impose compulsory adherence to the system, so that protection is extended to the whole population.

203. The sense of justice imposes standardization so that the benefits are the same for all participants. It is totally unacceptable that the rules differentiate between professional categories or benefit some individuals in detriment to others, without reasons known to and accepted by the population.

204. By definition, the social security system depends on variables that are hard to forecast. Such variables may be of a demographic nature or related to the level of economic activity or changes in the labour market during the years. It is difficult to assess accurately the duration of the benefits granted or if, with all the current changes in the population and labour market, the form of financing will be sufficient to cover the continuing benefits.

205. Specialists on such matters, actuaries and demographers, work with averages and analyse the profile of the pensioners to be able to discover trends. They analyse the financial impact of each rule in the system and seek to establish a suitable financing scheme for the existing benefits. Any increase in benefits without the proper counterweight of resources may cause the entire system to come to a standstill.

206. The financial and actuarial balance[11] is necessary not only to give security to the people who contribute to the system every month and who expect to enjoy the benefits in the future, but also to guarantee the payment of benefits to those who have contributed in the past. The actuarial calculations, therefore, are made for several generations.

207. Every country in the world today adopts social security laws, which appeared for the very first time in Germany in the late nineteenth century and have been universalizing since then. Most countries adopt a basic universal social security system, alongside a complementary public or private retirement system. In both systems, the individual contribution is the basis of the benefit and one of the main standards is the age limit. Almost all countries also have special systems for civil and military public servants, with standards different from those pertaining to all other workers.

208. The age limit is a guideline adopted by the social security systems of almost every country; only seven countries use time of employment as the basis for retirement among those countries and only Brazil does not condition the payment of pension on retirement from the labour market.

209. Most countries stipulate a minimum period of contribution for granting a pension, a requirement known in Brazil as carência, or grace period. Moreover, in most countries the maximum pension paid by the public social security system is always limited to less than the last wage earned.

210. Another element found in the laws of most countries is the special pension schemes applicable to civil and military public servants, on the basis that civil servants' dedication to the State must be full time.

211. Throughout the debate on the social security system, criticism against globalization of the economy has been a recurring theme. The Brazilian Government recognizes that globalization is present today and seeks to increase its share of the international market and enhance the productive system. Nevertheless, there is a growing concern about the negative impacts that widespread globalization may cause in a number of sectors and segments of society, including human rights in general and the full realization of economic, social and cultural rights in particular. From this angle, the Brazilian Government has maintained that globalization must be symmetrical and has increasingly considered its ethical and human dimensions.

212. The structure of social welfare in Brazil is based on a project by congressman Eloy Chaves in 1923, which led to the creation, through Decree No. 4682, of the Retirement and Pension Fund for railroad employees. These workers and their families were then entitled to medical care, specially priced medicaments, retirement and pensions. The system in mind, however, was not at all comprehensive and had a fragile structure. The "pension funds" were organized by companies and very often did not reach the required number of recipients to establish underwriting bases - in other words, a sufficient number of contributories to establish a flow of revenue to ensure the payment of long-term benefits. The 1923 project adopted two universal principles from the social security systems: the contributory character and the age limit.

213. It is interesting to note that the 50-year age limit established in the aforementioned Decree was higher than the life expectancy of the Brazilian born in the 1920s. Although there are no demographic data available for that decade, it is possible to reach this conclusion based on IBGE estimates for 1950-1955, when life expectancy at birth in Brazil was around 49 years.

214. The following table gives estimated and forecast life expectancy in Brazil for the period from 1950 to 2015. The Committee could use these data also to assess the continuing improvement in the life expectancy of the Brazilian population, an aspect relating to the economic, social and cultural rights covered by the International Covenant.

215. The social security system based on the company pension fund, founded in the 1920s, became the model that was adopted in other sectors of the economy.

216. The faults in the actuarial tables of the retirement and pension funds were reflected in the formation of equity. Administrations were marked by technical dismantling which prevented them from protecting the financial health of the Funds as they grew and as the number of benefits increased.

Table 33

Life expectancy at birth,[12] estimates and forecasts, 1950-2015

Period	Men	Women
1950-1955	49.32	52.75
1955-1960	51.60	55.38
1960-1965	54.02	57.82
1965-1970	55.94	59.95
1970-1975	57.57	62.17
1975-1980	59.54	64.25
1980-1985	60.95	66.00
1985-1990	62.30	67.60
1990-1995	63.54	69.10
1995-2000	64.70	70.40
2000-2005	65.74	73.60
2005-2010	66.47	72.60
2010-2015	66.84	73.40

Source: CELADE/IBGE, Brazil. Estimaciones y Proyecciones de Población, 1950-2025, Fasciculo F/BRA, 1 July 1994, pp. 65-76.

217. The first financial and administrative crisis in the Brazilian social security system occurred in 1930 when the system underwent restructuring and included practically all categories of urban worker. In the following years, six major national institutes were created to replace the pension funds. The institutes were no longer organized by company but by professional category or groups of related professions. Since the 1930s the law maintained the contributory nature and the 50-year age limit (increased in 1960 to 55 years).

218. The reform in the 1930s regulated the retirement of civil servants, providing only for retirement for reasons of age or invalidity, with benefits in proportion to time in employment. This was an innovation since until then there had been systems of partial protection for some public service categories and the military. In 1941, the Military Law, instituted by Decree-Law No. 3094, consolidated the pension system for the military.

219. The social security system for workers in the private sector was later to undergo progressive legal and institutional unification. The corporate pension "funds" and institutes underwent a process of homogenization of their costing and benefit plans pursuant to the Basic Law on Social Security (LOPS), culminating in the implementation of the current General Social Security System (RGPS) run by the National Social Security Institute (INSS).

220. When the new system began, positive cash balances were found owing to the fact that the number of contributing workers was much higher than the number of non-active recipients. From 1986 to 1988, more transfers were made from the social security to the health sector as a result of the implementation of the Single Decentralized Health System (SUDS). From 1988 to mid-1993, transfers to the Single Health System (SUS) accounted for 15 per cent of the whole payroll tax collection.

221. Universalization of the social security system, that is, social protection for everyone, whether economically active or otherwise, is a more recent practice. In its first 40 years of existence, Brazilian social security legislation was concerned specifically with urban workers. It was only in 1963 when the Statute of the Rural Worker was created, with benefits that basically followed the same structure that is in force today: retirement for invalidity and old age, pension for the beneficiaries in case of death, medical and complementary care, funeral grant and sickness benefit. The rural worker did not have retirement for length of service and only after 65 years of age; the benefit corresponded to 50 per cent of the value of the highest minimum wage then existing in the country. Legislation also introduced coverage for employment-related injuries, with a new form of sickness benefit and social welfare, that also included the category of rural employers. Between 1971 and 1975, a new system was developed by a set of legal acts comprising complementary and statutory laws and regulatory decrees.

222. The measures adopted in the rural area until then may be considered very limited in relation to the benefits available to the urban dweller. Right from the start, universalized social security in Brazil has been marred by serious distortions. The principal one is that the individual contributory character of the universal principle of the social security system was not respected. The agricultural sector did not have the organizational and financial conditions to bear the expense of the social security services, which continued by transferring resources from the urban sectors.

223. Numerous distortions occurred as a result of the "reciprocal counting" mechanism for time of service, which enabled an exponential increase in the concession of benefits on the basis of time spent in non-contributory employment. An example as an illustration is a person who started working at 14, but who did not contribute to social security until the age of 40-41, when the minimum contribution was paid. Later, this same person gets a job in an urban area and pays the maximum contribution for 36 months. Using reciprocal counting, the person can retire even before reaching 50.

224. Temporary workers in firms were included in the social security system in 1974. Those over 70 years old and invalids who had no social security coverage now were entitled, regardless of contributions, to a lifelong monthly income, as a type of allowance. The maternity grant and domestic employee support were created while employment injury benefits were extended to rural employees. The social security system now also included the self-employed and entrepreneurs, based on compulsory adherence through a regular individual contribution.

225. A good part of this further coverage, for the sake of the principle of universalization, was made without any major concern for the economic-financial balance of the system. Many benefits were granted without the corresponding portion paid in contributions. Nor was there an equal ratio between premium and risk, bearing in mind that most new benefits consisted of immediate expense, without a minimum grace period. Some were immediately paid after approval of the relevant law, that is, with no grace period at all.

226. The increase in benefits was only possible due to the existence of substantial financial reserves in the system. This was a great strategic mistake of the social security system in Brazil.

227. Recently, the social security account in the rural sector has tripled its expenditure. Around 4.5 million rural pensioners and beneficiaries immediately received the equivalent of one full minimum wage instead of half a wage, without a corresponding source of financing. Extending benefits to rural workers and fixing the benefit base at one minimum wage, albeit important social achievements, is still without a sound basis for those benefits to be financially feasible and no studies have been done to propose alternatives.

228. The financing scheme for rural benefits, based on a contribution of 2.5 per cent of gross earnings from retailed agricultural production and the payroll contribution of rural workers, is obviously inadequate. In fact, contributions from the rural area may be considered negligible. In 1996, for example, contributions represented around 8.2 per cent of the total outlay for rural benefits.

229. The retirement age in the rural sector has dropped from 65 to 60 years old for a man, and from 60 to 55 for a woman. Collection of contributions from the rural insured has been temporarily waived and special forms of proof of being a rural worker have been adopted. To qualify for inclusion in the rural sector, it used to be sufficient to be a child of a rural producer; this caused early retirements in the urban areas and the public service, often at a very high cost to the system and without contributions having been paid by the beneficiaries.

230. The minimum wage was adopted as the basis for continuing to provide benefits. A lifelong monthly income was guaranteed for the elderly and a monthly income for disabled persons, provided that there is evidence of a low income. All benefits were recalculated based on the number of minimum wages to which they corresponded at the date when they were granted.

231. Another important aspect that must be included in the analysis of the development of social security and the issues currently under discussion is the creation of the Single Legal System (RJU), which was later extended to employees contracted under the Consolidation of Labour Laws (CLT) who worked in independent and foundation administrations; they were also to be entitled to full pension, stability and other benefits formerly restricted to statutory civil servants.

232. In Brazilian society there is a wide variety of social security systems for public servants: at federal, state and local levels; private, open and closed complementary systems; and special systems for members of congress, the judiciary and the Department of Justice. They all operate parallel to the General Social Security System run by the National Social Security Institute (INSS). The multiple systems and standards for access to benefits increase the operating costs of the social security system and do not facilitate the fight against fraud, and somehow open themselves up to privileges and discrimination.

233. The social security system currently operates on a simple sharing basis, that is, the economically active must pay for those inactive today. In this way, the entire social security revenue obtained during the year is used to pay benefits. There is no accumulation of "reserves" to be used in the future. The sharing system implies that the benefits to be paid to the current contributors when they become inactive in the future will be ensured by contributions from future generations of workers.

234. In the 1950s, eight contributors would finance one pensioner. In 1970 this ratio was 4.2 to 1. In the 1990s, 2.3 persons are working for one pensioner. By the year 2020, continuing at the current standards, the proportion will be 1 to 1. This tendency is worsened by the demographic changes occurring in Brazil, with an upward trend in the average age of the population. With the drop in the birth rate and increased life expectancy, the percentage of senior citizens (over 65 years old) in relation to the total population may reach 7.7 per cent by 2020. This is even more impressive when considering that this percentage was 3.1 per cent in 1970.

235. The current profile of the Brazilian social security system contributes to a perverse redistribution of income, one of the main reasons why the Government insists on changing it. An example worth mentioning is retirement on the basis of time in employment. Statistical data show that people who retired on this basis had stable jobs, or changed jobs very rarely. Retirement on the basis of time in employment tends to become a resource for early retirement for the higher-income segment of the population. For low-income segments, who find access to the labour market harder, securing this benefit is very difficult since most of them swing back and forth between the formal and the informal markets. Many are not even able to provide evidence of the contribution period. Therefore, despite the original intentions, the employment-time mechanism has encouraged early retirement (78.3 per cent of men and 83.9 per cent of women are under 55 years old when their benefit begins). It has become an income supplement since only Brazil, unlike the other six countries that have adopted this standard, does not require that the beneficiary retire from the labour market.

236. The fact that the average age for receiving benefit is low raises the expected duration of the social security benefit in Brazil for men and women; it is longer than in the countries of the Organization for Economic Cooperation and Development (OECD), whose members are the world's wealthiest countries. In 1993, the Latin American Demography Centre (CELADE) stated that, on average, while a man in the OECD countries would receive a benefit for 15.2 years, a Brazilian pensioner would continue to receive his benefit for 17.5 years. Similarly, while a woman in the OECD countries receives her pension for 18.6 years, a retired Brazilian woman would have her pension for 20 years.

237. The matter of the social security deficit is undeniably relevant. In 1992, the collection of social security contributions from the payroll was enough to cover the outlay for benefits, personnel and costs of the social security system, as well as to permit the transfer of some 15 per cent of this revenue to the health sector. Today, social security collection is not nearly enough to cover even the payment of benefits. This insufficiency, plus the expenses for personnel and costs, has been systematically covered by transfers from the Treasury (from contributions on income and the COFINS tax on social security financing), returns from financial investments and cash balance. In 1996, according to data at deflated December 1996 prices based on the General Price Index (IGP-DI), net social security revenue (total collection - transfers to third parties) was Cr$ 41.5 billion against around Cr$ 50 billion in total expenses. The payment of benefits alone was Cr$ 42.6 billion. Transfers from other social security sources were Cr$ 3.1 billion, Cr$ 2 billion of which came from COFINS and Cr$ 900.5 million from the Fiscal Stabilization Fund.

238. The high levels of exposure of social security revenue reflect, especially, the increase in the number of ongoing benefits and the average sum of benefits recorded in recent years. In 1991, the number of ongoing social security benefits was 12,473,738; in 1996, this figure rose to 16,586,267, corresponding to a 33 per cent increase over a four-year period. The increase in the number of rural benefits is even greater: in 1991, there were 4,103,089 ongoing rural benefits; in 1996 this figure was already 6,390,401, that is, an increase of 55.8 per cent in only four years.

239. The average value of social security benefits also increased significantly. In 1988, the average sum of urban social security benefits was 1.37 minimum wages. In 1995, it already corresponded to around two minimum wages while in 1996 it reached Cr$ 246.80, or 2.2 minimum wages. In the rural areas, the average value of social security benefits doubled between 1988 and 1995, from 0.52 minimum wage to 1.01 minimum wages. In 1996, it reached Cr$ 114.00, or 1.02 minimum wages.

240. When the Government decided to grant a 42.8 per cent adjustment in May 1995 to the social security benefits and 15 per cent in May 1996, the value of the benefit base continued its upward trend, with a 22.5 per cent rise in real terms between June 1994 and December 1996.

241. Similarly, from July 1994 to December 1996, the average real value of the benefits rose 19.3 per cent from Cr$ 166 at the start of the Real Plan to Cr$ 198.

242. A deficit of 4.2 per cent in the GDP today is equal to more than Cr$ 30 billion, or around seven times the collection expected from the tax on financial transactions (CPMF). This is the figure estimated for the deficit in the social security accounts by 2030. If the system continues unaltered, the expected course towards the deficit will be inevitable, even assuming optimistic hypotheses for the behaviour of the economy.

243. The reform of the Brazilian social security system is, therefore, necessary. It always includes concerns of a social nature, equality and justice and an improved role of the State in fundamental areas for social development and the promotion and protection of human rights.

244. The Brazilian Government views the reform of the social security system according to the lines mentioned in the preceding paragraph. The main purpose of the proposal for a constitutional amendment, already submitted by the Government to the National Congress, is to further social justice, by eliminating privileges and distortions currently existing in the Brazilian social security system. With the proposed measures, the Government endeavours to guarantee the rights of pensioners and those who are on the verge of retirement. The measures will permit the social security system to leave behind a shaky situation for one of sustained balance.

245. Yet the measures will only be significantly effective in the middle and long run, since the Government has chosen to adopt an alternative that preserves acquired rights. This is not a drastic departure from the current public system based on simple sharing and defined benefits. The Government intends to replace the current system with a compulsory private model, founded on capitalization of contributions deposited in individual savings accounts, in accordance with

the experience of other countries. The Government's chosen strategy is for the current model to be gradually and constantly adjusted, with stronger emphasis on the universal principles ruling the social security systems of the more advanced countries.

246. The reform will continue with the public and compulsory General Social Security System (RGPS) for all workers in the private sector. At the same time, the Government will encourage the creation of corporate-sponsored complementary pension schemes - which may entail contributions from both employee and employer. There will also be incentives for workers who wish to set up savings programmes to supplement their income on retirement. The reform proposes to adopt similar standards for contribution and payment of benefits, reducing the differences between the various systems existing today. The systems will continue separately, from the operational viewpoint, but shall adopt similar financial and social standards to those of the RGPS.

247. Public servants will continue to have a special system and will not be included in the RGPS. The Government proposes to create a specific pension fund for public servants, maintained by contributions from the civil servants themselves and the central Government. Both military and civil servants will have a specific pension fund and, owing to the special features of their profession, will have a minimum age and differentiated pension values. The rights acquired by pensioners and beneficiaries from the two systems will be respected. State and local social security rules will continue to exist but will be governed by federal legislation.

248. The RGPS will continue to adopt the simple sharing system. With the proposed standards, the Government considers that long-term social security will not only succeed in overcoming the current financial hardships, but may also accumulate reserves for any unfavourable economic circumstances. In technical terms, the desirable minimum corresponds to enough reserves to pay for six months of benefits.

249. The reform sets a minimum age for receiving a pension, following the example of the rest of the world. Actuarial and demographic studies show that this minimum age is around 60 years old, and is expected to rise to 65 years.

250. Similarly, demographic studies confirm that the life expectancy of urban and rural workers who are 50-60 years old is practically the same and, therefore, does not justify the differentiation that exists today. In 1995, 280,540 benefits were paid to people over 90 years old, of whom 69,152 were urban and 211,388 rural dwellers.

251. Retirement on the basis of time in employment will cease to exist. The proposed reform of the social security system substitutes the qualifying period of employment for the contribution period. The Government will propose to the National Congress, based on studies on the financial and actuarial feasibility of the system, more contributions for retirement purposes. Proportional pensions will also be eliminated, and there will only be a pension for the contributory period.

252. Special pensions are changing, with the publication of 1995 Law No. 9,032 and 1996 Provisional Measure No. 1,523. The idea is that special pensions are only granted to workers exposed to health hazards. Until recently, special pensions were paid to whole professional categories. In such cases, an office worker would be entitled to the same special pension as a colleague who was exposed to health hazards.

253. Teachers, except for primary teachers, would no longer be entitled to a special pension (25 years of service for women and 30 years for men) and must already have paid a minimum number of contributions to apply for a pension.

254. Although the continuation of the special pension for primary teachers is being justified as a way to compensate for the low salaries and poor working conditions of that category, it is important to stress that this is a vicious circle. Poor salaries justify early retirement which, in turn, overloads the payroll of local governments and prevents an increase in primary teachers' salaries. This trend has resulted in growing commitment of local budgetary resources to the economically inactive and the deterioration in primary education.

255. Lastly, the proposed reform provides for the minimum wage to continue as the lowest value (base) for social security benefits. Also within the scope of the reform proposed by the Brazilian Government are the closed private pension funds operating under the capitalization system that have insufficient capitalization, which should proceed to adapt their pension schemes actuarially to the equity they already have and the actual contribution capacity not only of the sponsoring companies, but also of their beneficiaries, and offer benefits more in line with reality. The Government does not intend to stop public companies from sponsoring closed private pension funds, but rather to eliminate privileges and excess, which imposes on society a burden which it obviously does not wish or have the financial capacity to support.

256. Another important aspect in reforming the social security system is anti-fraud and anti-tax-evasion measures and changing management methods to streamline administration. Between 1992 and 1996, around 1 million irregular benefits were cancelled, 400 defrauders or tax evaders were sentenced to prison terms, and more than 4,000 investigations were started by the Federal Police and Department of Justice. The federal courts and the Department of Justice received 57,945 cases of undue tax foreclosure.

257. Meanwhile, the administrative collection process has been improved by following up the major debtors and with the concern to reduce the legal procedural time. In 1996, after efforts to simplify and modernize the inspection and administrative and legal collection system, the revenue from the active debt doubled compared with the previous year, to a total of CrS 600 million.

258. When dealing with fiscal management, the Ministry for Social Security and Welfare is now automatically identifying likely tax evaders by crossing data from the national social database (CNIS) with data from corporate social security contribution rolls. The Government has been installing a system to assess the monthly performance of the sector responsible for levying, inspecting and collecting social security contributions. In 1996, this effort helped increase, in real terms, the social security revenue by 11 per cent compared with 1995.

259. Also in progress is a programme for restructuring and computerizing the Regional Collection and Inspection Offices (GRAF), in the first stage involving the training of civil servants in new management techniques.

260. The national social database (CNIS) is being gradually implemented to be able to recover, classify and consolidate information referring to all Brazilians who are economically active, registered in the various federal government rolls. CNIS will consequently enable online queries to be made with respect to more than 230 million Brazilian workers, the results of which will be used by the INSS to grant benefits, detect fraud and for inspection purposes. It is estimated that in five years' time the CNIS will permit workers ready to retire to apply for their pension by presenting their identity card, instead of having them submit the numerous probative documents that are required today as evidence of their social security contributions and qualifying employment period.

261. The Brazilian Government has endeavoured, through the Ministry of Social Security and Welfare, to improve in an even more militant manner the quality and efficiency of services provided to the beneficiaries. In 1996, 122 conventions were signed with service providers to benefit 645,000 beneficiaries and help clear the overcrowded social security offices. At the same time, services to the beneficiaries increased through the call centres, which in 1996 recorded 3.2 million calls and 20,000 appointments for information. Last year, the online concession was installed in more than 100 social security posts and the computerization of 952 posts was concluded, bringing the total to 1,105.

262. One of the most successful experiences involving the use of performance indicators has been achieved in the social security area. One of the indicators, the average time taken to grant benefits (tmc), has been diminishing steadily since it began to be measured. The tmc of the regional social security offices throughout Brazil dropped from 66 days in 1994 to 29 days in December 1996. In December 1994, it took more than 45 days to grant 41 per cent of the benefits. In December 1996, this figure dropped to only 17 per cent. By December 1994, 69 per cent of the pension offices were computerized, while today 90 per cent are computerized.

263. Concerning employment injury, the Brazilian system grants benefits, divided into three categories, as follows:

(a) Employment injury sickness leave. A rural or urban beneficiary who is economically active (except domestic employees), and special beneficiaries who are off work as a result of an employment injury are entitled to this benefit. The benefit is granted, regardless of the number of contributions, starting on the sixteenth day and extending to the date when the beneficiary is discharged by the accredited medical doctor. In the case of the random or special worker,[13] the benefit starts on the day after the injury (should the worker be immediately off work) or when medical care begins. Other employees are paid by the company for the first 15 days off work as a result of an employment injury. The monthly payment is 91 per cent of the benefit wage, or 91 per cent of the contributory salary, should the beneficiary be a voluntary contributor, or of one minimum wage in the case of a special beneficiary;

(b) Invalidity pension as a result of employment injury. This is granted to the rural or urban beneficiary (except domestic employees) who is economically active, and the special beneficiary who is considered unable to work and unfit for professional rehabilitation. It begins the day after the end of the employment injury leave or immediately, should total and definitive incapacity to work be confirmed immediately after the injury. The benefit lasts as long as the injury continues. Should the beneficiary be considered able to return to work, a new assessment will be made by the National Social Security Institute (INSS) and, on his return to work, his pension will be automatically cancelled. The sum received corresponds to 100 per cent of the benefit wage or 100 per cent of the contributory salary, in the case of an optional beneficiary, or one minimum wage in the case of a special beneficiary. Should the accredited medical doctor confirm that the injured party requires permanent care by another person, the value of the pension for invalidity will be increased by 25 per cent;

(c) Disability compensation from an employment injury. This benefit is paid to the rural and urban employee (except domestic employees) and special social security beneficiaries who, after an employment injury has healed, suffers from sequela that reduce his working capacity. The compensation is granted regardless of any remuneration earned by the injured party, even when this refers to another benefit. This disability benefit is of a compensatory nature and its value corresponds to 50 per cent of the benefit wage.

264. In addition to the above three categories, there is the social security injury benefit, applicable to the beneficiary who has reduced capacity as a result of an injury other than an employment injury. Its value is equal to that of the benefit mentioned in (b) above.

265. Table 34 below shows the quantity and value of social security disability benefits paid by the social security.

Table 34

Social security injury benefit, 1995-1999

Year	Quantity status in December	Value (Cr$ million - June 1999) Accumulated in the year
1995	520 018	1 285.26
1996	532 516	1 444.81
1997	516 092	1 581.44
1998	506 254	1 704.15
1999	460 388	1 760.88

Source: Anuário Estatistico da Previdência Social and Boletim Estatístico da Previdência Social.

266. With regard to the structure of social security benefits, Brazil also has the old age pension, aid for poor senior citizen and the maternity grant. The maternity grant will be discussed in detail in the comments on article 20 of the Covenant. Concerning the other two benefits, it is worth mentioning that they are financial aids given to senior citizens, a segment of the population which deserves special attention because of its greater vulnerability.

267. In order to receive an old age pension, the social security beneficiary must be 65 years old or more for men and 60 for women. These limits are five years less for rural workers. The grace period for an old age pension today is 9½ years and is to be increased gradually to 15 in 2011.

268. A person 67 years old or over, with proof that he or she cannot be self-sufficient, either by his or her own means or through family help, is entitled to receive a monthly minimum wage as social welfare. This benefit applies in cases where the family income is less than a quarter of the per capita minimum wage; it is supported by funds from the National Treasury rather than from social security contributions. A similar benefit of a lifelong monthly income, paid from funds raised by social security contributions, was eliminated on 1 January 1996. Existing beneficiaries continue to receive benefits.

269. Funds for aid to senior citizens are available in the social welfare sphere from the National Social Welfare Fund (FNAS); benefits are granted through the social security system which already has a network structured to provide benefits for a larger number of people and has a larger volume of resources.

270. Table 35 shows the quantity of benefits paid to senior citizens and the accumulated annual outlay for these benefits.

Table 35

Senior citizen benefits, 1995-1999

Year	Old age retirement pension		Senior citizen social welfare		Lifelong monthly old age pension	
	Quantity December status	Value (Cr$ million - June 1999) Accumulated in the year	Quantity December status	Value (Cr$ million - June 1999) Accumulated in the year	Quantity December status	Value (Cr$ million June 1999) Accumulated in the year
1995	4 786 846	9 511.90	-	-	501 944	979.58
1996	4 843 234	9 629.76	41 992	27.03	459 446	837.92
1997	4 952 758	9 680.80	88 806	102.17	416 120	666.42
1998	5 147 524	10 369.15	207 031	230.33	374 301	624.32
1999	5 373 000	10 874.45	312 299	421.79	338 031	567.17

Source: Anuário Estatístico da Previdência Social and Boletim Estatístico da Previdência Social.

Notes:

[1] Lifelong monthly old age pension was eliminated in January 1996. Since 1996, data refer to the stock of existing benefits.

[2] Legal standard: Law No. 8,213/91, LOAS - Basic Social Welfare Law [Lei Orgânica da Assistência Social] article 2, Law No. 8,742, dated 7 December 1993 and Decree No. 1744, dated 18 December 1995.

271. People who fall into a situation of permanent invalidity for work are the subject of special attention in the Brazilian system. Those who have been contributing to the social security system receive an invalid pension; in the case of non-contributors, the social welfare benefit is granted to disabled persons (one minimum wage), provided that they confirm that they have insufficient income. To receive an invalid pension, a 12-month grace period is required, unless the invalidity is the result of any kind of injury or of an employment ailment. The standard for insufficient income, as in the case of the senior citizen allowance, is based on a family per capita income of less than one quarter of the minimum wage.

Table 36

Disability benefits, 1995-1999

Year	Invalid pension		Disability allowance		Lifelong monthly invalid pension[1]	
	Quantity December status	Value (US$ million - June 1999) Accumulated in the year	Quantity December status	Value (US$ million - June 1999) Accumulated in the year	Quantity December status	Value (US$ million - June 1999) Accumulated in the year
1995	2 029 989	4 198.18	-	-	701 341	1 398.39
1996	2 033 998	4 346.19	304 227	166.12	667 281	1 264.22
1997	2 070 256	4 473.81	557 088	728.04	626 497	983.66
1998	2 114 690	4 782.24	641 268	949.93	585 197	946.71
1999	2 203 741	5 101.08	720 274	1 098.66	547 693	907.84

Source: Anuario Estatistico da Previdencia Social and Boletim Estatistico da Previdencia Social.

Notes:

[1] The lifelong monthly income benefit was extinguished in January 1996.

[2] Data from 1996 onwards is from the stock of existing benefits.

[3] Legal standard: Law No. 8213/91, LOAS - Basic Social Welfare Law [Lei Organica da Assistência Social], article 2, Law No. 8742, dated 7 December 1993, Decree No. 1744, dated 18 December 1995.

272. In the case of death, the benefit is paid as a pension to the spouse companion, children or parents of the pensioners or beneficiaries. Children will only be entitled to receive the benefit if they are under 21 years old and provided that there is no spouse entitled to the pension. The parents of the deceased, in turn, only receive the benefit if there is no spouse or children, and if there was a relationship of dependence.

273. Tables 37 and 38 contain data referring to pensions for death paid in Brazil between 1995 and 1999 and employment injury benefits in the same period.

Table 37

Death pensions, 1995-1999

Year	Quantity December status	Value (CR$ million - June 1999) Accumulated in the year
1995	4 235 420	9 678.22
1996	4 394 420	10 401.00
1997	4 585 501	11 066.07
1998	4 714 454	12 090.27
1999	4 872 300	12 760.00

Source: Anuario Estatistico da Previdência Social and Boletim Estatistico da Previdência Social.

Table 38

Employment injury benefits, 1995-1999

Year	Disability compensation		Invalid Pension		Disability Social Welfare	
	Quantity December status	Value (CR$ million June 1999) Accumulated in the year	Quantity December status	Value (CR$ million June 1999) Accumulated in the year	Quantity December status	Value (CR$ million June 1999) Accumulated in the year
1995	69 101	242.43	85 169	245.52	197 913	252.32
1996	72 605	307.21	89 746	272.14	210 110	304.37
1997	79 495	474.01	94 435	307.45	228 489	343.66
1998	82 685	410.61	98 769	346.14	235 870	407.26
1999	77 347	422.29	104 432	377.06	244 474	442.80

Source: Anuario Estatistico da Previdência Social and Boletim Estatistico da Previdência Social.

274. The unemployment allowance is a benefit in the social security sphere that depends on funds from the Workers Aid Fund (FAT). It was started in 1986 and is run by the Ministry of Labour. The application for the allowance must be submitted by the dismissed worker from 7 to 120 days after being laid off to the Regional Labour Offices, national employment offices in the states (SINE) or to branches of the federal savings bank (Caixa Econômica Federal).

275. The unemployment allowance applies to employees in the formal market who have been laid off without justification and are contributing to the official social security system. It covers all categories of worker, except domestic employees. It is granted to the unemployed who have been economically active at least 15 months in the last 24 months or for 6 months immediately

before being laid off. The number of payments varies from three to five, either in succession or alternating for every 16-month period; it also varies with the time of formal employment relationships in the previous 36 months.

276. The value of the benefit varies from one to three minimum wages, depending on the income earned by the employee in the previous three months. In 1997 federal outlay for the unemployment allowance was 0.40 per cent of GDP, covering around 65 per cent of employees laid off without justification. Approximately 39 million allowances were granted between 1986 and 1998.

Table 39

Unemployment allowance: employment period and number of payments in 1997

Employment period	Number of payments
24 months	5
12-24 months	4
6-11 months	3

Table 40

Unemployment allowance: federal outlay and number of beneficiaries in 1997

Year	Outlay (in CrS 000)	% GDP	Beneficiaries
1994	1 547 498	0.44	4 030 799
1995	2 898 878	0.45	4 738 528
1996	3 309 167	0.42	4 359 092
1997	3 451 042	0.40	4 380 903

Source: IBGE - Contas Nacionais. Reproduced by Balbinotto and Zylberstajn (1999).
Legal standards: 1988 Constitution; 1986 Decree-Law No. 2284; Decree No. 92608; 1990 Law No. 7998; 1994 Law No. 8.900; CODEFAT Resolution No. 64.

277. In addition to the benefits mentioned above, it is also worth commenting upon family benefits, consolidated in the family allowance and Minimum Income Guarantee Programme.

278. The family allowance is a social security benefit paid to employees with a monthly income under CrS 376.60 for each child under 14 years old who is attending school and for each invalid child. It is an ongoing monthly allowance of CrS 9.05 per child (1999 figures). Pensioners with children in the same circumstances are also entitled to receive the family allowance. The need to confirm school attendance to receive the allowance came into force only in December 1999, with the publication of Law No. 9.876/99. The cost of the family allowance is defrayed by the social security system, but the payment is made by the employer. In fact, the

employer deducts from the amounts to be paid into the social security system the amount paid to employees as a family allowance. Pre-1999 data are unavailable, since the tax payment form for the employee severance indemnity fund (FGTS) and social security information (GFIP) was only implemented in 1999, these are the data used to calculate this allowance. In 1999, the GFIP newsletter showed that Cr$ 1,810,000 (values at June 1999 prices - deflated using the national consumer price index) were spent to pay this benefit.

279. The Minimum Income Guarantee Programme, in turn, is in the sphere of the Ministry of Labour and operates at the initiative either of the local government or in partnerships between the Federal Government and local governments, under the coordination-administration of the Ministry of Education. The programme focuses on families with children in the 7-14 age group in school (some places provide for the 0-14 age group). To be eligible for the benefit, the family must have a per capita income of less than half a minimum wage. The joint federal-local government applications are expected to increase, with the annual additional inclusion of 20 per cent of local governments in each Brazilian state, which will mean 3,300 local governments participating by 2002. The local counterpart provides support to the programme corresponding to 50 per cent of the costs, which may take the form of socio-educational, health or social welfare services or extra-mural cultural activities directly for the beneficiaries in the 7-14 age group.

280. By September 1999, 786 local governments had already joined the programme, with a total of 784,823 beneficiaries between 7 and 14 years old. This represents a total of 393,347 families, and an average benefit of Cr$ 34.87 per child at school.

281. The Brazilian Government believes that it is important to mention to the Committee on Economic, Social and Cultural Rights the amount spent on social security as a percentage of GDP, which is shown in the following table.

Table 41

Social security share of GDP (‰)

Areas	Years			
	1994	1995	1996	1997
Health	2.02	2.16	1.71	1.97
Social security	5.27	5.43	5.68	5.57
Aid	0.18	0.6	0.17	0.25
Unemployment allowance	0.36	0.44	0.44	0.41
Central government social security charges	2.27	2.44	2.22	2.27
Sub-total (a)	10.10	10.63	10.22	10.47
Total social federal expenditure (b)	12.18	12.42	11.85	12.17
a/b	0.83	0.86	0.86	0.86

Source: SIAFI/SIDOR. Prepared by: DIPOS/IPEA.

282. In order also to provide the Committee with further elements to help analyse the federal social outlay, the Brazilian Government refers below to the share of the outlay for social security benefits in relation to GDP.[14] Between 1995 and 1998, the percentage continued its upward trend as follows: in 1995, 4.98 per cent; in 1996, 5.19 per cent; in 1997, 5.42 per cent; and in 1998, 5.98 per cent.

283. Concerning the relationship between the public social security and private pension plans, it is worth mentioning that the Brazilian social security system guarantees payment of benefits to a maximum amount, adjusted annually according to the variation in the cost of living. In 1999, the sum was CrS 1,255.32, which was received by approximately 88 per cent of the beneficiaries.

284. With regard to pensions, there are complementary "open" and "closed" pension funds in Brazil. The former may be used by any individual merely by contracting the product with a financial institution; many of these plans offer other kinds of services, such as life and unemployment insurance. Access to the "closed" pension plans is restricted to a certain group of employees, generally working for the same company.

285. To give incentives for a complementary pension, the Brazilian Government proposes, in bills sent to the National Congress and currently under analysis therein, to make the regulations of the pensions funds more flexible in order to make them more transparent and competitive and thereby include a larger number of beneficiaries. The Brazilian Government believes that the enhancement of the complementary social security system would allow beneficiaries not only to join the agency that best suited them but also freely to decide whether to stay with a certain scheme or transfer to another as well as to transfer the sum of the resources already accumulated.

286. The Government has also endeavoured to encourage voluntary complementary pension funds for those economically active in the private sector, through measures that strengthen supervision of and increase competition in the open complementary pension fund market for the general public without being tied to a particular job. There are now an increasing number of people contributing to such plans, especially among the middle class. The basic reasons are the possibility of planning for the long-term future, stability, and the increasingly widespread perception that the public social security system should concentrate on guaranteeing basic pension levels.

287. In the case of civil servants, as the benefit is equal to the last salary before retirement, there is no complementary pension scheme. However, due to legislative changes that have led to possibly making the contracting schemes more flexible, such funds may be created. A civil servant may be recruited in the future who will be subject to the private sector employment system and therefore would have a ceiling on pension benefits. The National Congress is studying a bill to regulate the institution of pension funds, as such, for public servants.

288. Social security in Brazil is of a comprehensive character due to the combination of contributory and welfare characteristics, and therefore encompasses all groups.

289. With regard to vulnerable or unprotected groups and their protection by social security, it should be mentioned that the main body of such persons is formed by informal sector workers. In 1998, data of the National Household Sampling Survey of the Brazilian Institute of Geography and Statistics (PNAD/IBGE) indicated that only 16.1 per cent of the self-employed contributed to social security. Law No. 9876, of November 1999, attempted to find a suitable solution for this situation and, in order to encourage the self-employed to contribute, provides, among other things, the right to a maternity grant, reduced contribution when recruited by a company, and the simplification of individual contributing categories. To help protect that vulnerable segment, the Ministry of Social Security and Welfare created the "Social Stability Programme", which extends the coverage given by the prevailing system. The said programme has been developed on a decentralized basis, through regional committees, in order to increase the amount of information available to workers about the importance of the protection given by the social security system.

290. Concerning international aid in fully exercising the right contained in article 9 of the International Covenant on Economic, Social and Cultural Rights, the Brazilian Government points out that Brazil maintains social security agreements with 10 countries, as follows: Argentina, Cape Verde, Chile, Spain, Greece, Luxembourg, Italy, Paraguay, Portugal and Uruguay. The common purpose of all those instruments is to guarantee social security rights for the economically active and their legal dependents resident or in transit in the signatory countries. The agreements enable a resident of one country to request a benefit prescribed in the social security legislation of the country of origin without needing to move or appoint a legal representative. In the case of a disability benefit, the medical examination is performed in the country of residence and sent to the beneficiary's country of origin.

291. In further detail, the bilateral agreements signed by Brazil provide for:

(a) Equal treatment in the relevant countries of the Brazilian beneficiary and his or her dependents and of the alien and his or her dependents;

(b) Totalling of insurance periods and similar for the acquisition, maintenance and recovery of rights and to calculate the benefits: the periods of activity or insurance are considered in the laws of both countries for exercising the rights to benefits;

(c) Medical care, for pensioners/beneficiaries and their dependents who are staying temporarily or in transit: medical care is ensured through the modalities of the official network of the signatory country and charged to the beneficiary's country of residence;

(d) Payment of allowances by one State to beneficiaries residing in the other signatory State: today, Brazil has a mechanism with Spain and Greece by which payments are made to Brazilian beneficiaries resident in both countries through direct credit of their current accounts. In the case of Brazilian beneficiaries resident in Portugal, payment is made through what is called a link organization appointed by the Portuguese Government. The possibility of extending payment by crediting the account is under negotiation with the Bank of Brazil, in the case of Italy, in the first instance, and the other countries with which Brazil has a social security agreement in the second instance;

(c) Continuing to apply the social security laws of the country of origin of an employee of a company based in one of the signatory countries when the employee moves to the territory of the other signatory for employment.

292. From studies already undertaken, another 10 countries were identified whose close cultural, economic, social and political ties with Brazil or the migratory flow would justify bilateral social security agreements. They are the United States of America, Japan, Germany, France, the Netherlands, Switzerland, Canada, Korea and Suriname. An agreement with the Netherlands is under negotiation at the moment.

293. New bilateral agreements ensuring the provision of social security may be negotiated and signed with Brazil's neighbouring countries, as the result of a project under way to carry out a survey in regions on the borders and accurately assess the service in terms of social security and the positive role that agreements of this type might play.

294. The Brazilian Government also wishes to mention in its report to the Committee that the Multilateral Social Security Agreement signed by Brazil and other Mercosul countries is in the National Congress for ratification.

295. International aid is, therefore, something to which the Brazilian Government attributes great importance in the endeavour to improve the standards of promoting and protecting the rights stated in article 9 of the International Covenant of Economic, Social and Cultural Rights.

Article 10

296. As regards the international instruments on the rights contained in article 10 of the International Covenant that should be addressed, as recommended by the Committee, the Brazilian Government states as follows:

(a) Convention on the Rights of the Child. Brazil signed the Convention and ratified it on 24 September 1990. The Convention went into force in Brazil on 23 October 1990. It was promulgated by Decree No. 99710 of 21 November 1990. With respect to the rights of the child and the instruments that protect and promote them in the framework of the United Nations, it should be noted that during the recent Millennium Summit in New York, the Brazilian Vice-President signed the Optional Protocols to the Convention. One of them addresses the involvement of children in armed conflicts while the other addresses the sale and prostitution of children and child pornography. The processing of the two texts for submission to the National Congress is nearing completion;

(b) Convention on the Elimination of All Forms of Discrimination against Women. Brazil signed the Convention and ratified it on 1 February 1984.[15] It was promulgated through Decree No. 89406 of 20 March 1984. The process of analysis for the signing of the Optional Protocol to the Convention, adopted by the United Nations General Assembly on 6 October 1999, is under way;

(c) ILO Maternity Protection Convention (Revised), 1952 (No. 103). Brazil ratified the Convention on 18 May 1965. The last International Labour Conference adopted the ILO revised text. It should be noted that Brazilian legislation goes beyond the recommendations of Convention No. 103 and of its revised text;

(d) ILO Minimum Age Convention, 1973 (No. 138). Brazil approved the Convention through Legislative Decree No. 179/1999. The respective ratification instrument was delivered to ILO during the last International Labour Conference.

297. In its guidelines for submitting reports, the Committee on Economic, Social, and Cultural Rights requests comments on the meaning of the family for society. In Brazil, there prevails the family-with-children model (over two thirds), followed by couples-without-children or single-parent families, in which the bulk of responsibility falls on women. The family plays an important role in the social solidarity system and to a certain extent provides care to vulnerable individuals. The right to constitute a family is fully guaranteed and under the law parents - even when separated - are responsible for their dependent children.

298. As regards adulthood, the Civil Code determines that those under 16 years of age are incapable of personally performing acts entailing civil responsibility. From age 16 to 21, the incapacity for certain acts is relative. Under the Civil Code, obligations contracted by those over 16 but under 21 without authorization from their legitimate representatives or the assistance of a guardian, as the case may be, are subject to nullification.

299. The legal incapacity of minors ceases when they reach 18 or by concession of one of the parents, a judge's decision, marriage, the effective holding of a public job, completion of junior high school, graduation from a higher education institution, or the setting up of a civil or commercial business with their own resources.

300. For the purposes of military service, a minor's civil incapacity ceases on the day he reaches 17 years of age. From the standpoint of civil law, a minor's coming of age is at 21, when he/she becomes able to perform any legal act.

301. From the standpoint of the Penal Code, the Child and Adolescent Statute adopted in 1990 introduced new concepts for the promotion and protection of the rights of children and adolescents. The Statute is recognized internationally and by specialized United Nations bodies as an innovative piece of legislation even by comparison with countries of regions with longer traditions in this area. The Statute innovated by substantively changing the concept of minor protection. Up to age 12, minors are not imputable and between 12 and 18 they come under specific laws and courts. Though this legislation is innovative, the Brazilian Government recognizes that its actual enforcement has not yet reached the desired level for promoting and protecting the rights of children and adolescents. The Government reiterates here its determination to proceed with the efforts to translate the Statute into concrete reality.

302. Legal norms relating to children and adolescents are the following: articles 6, 9, and 154-156 of the Civil Code; article 73 of the Military Service Law (Law 4375 of 17 August 1974), and the Child and Adolescent Statute (Law 8069 of 13 July 1990).

303. As regards official and semi-official forms of assistance to and protection of the family, the Constitution, for the purposes of State protection, recognizes as a family unit the stable union of a man and a woman. Church weddings are valid for civil ends; there is no charge for the civil marriage ceremony.

304. The right to marry is guaranteed by both the Constitution and the Civil Code. However, in its Book I devoted to provisions regarding family rights, the Civil Code sets the following limitations on marriage before age 21: to marry, women under 16 and male adolescents under 18 need parental consent (or court authorization, in case parents are missing). Other impediments to marriage are provided by the legislation in the following cases: marriage between ascendant and descendant; between siblings; between adopted child and civil sibling; between married individuals; between guardian or his/her kin and a ward; and of those subject to paternal authority (age limit).

305. Parents are responsible for the upkeep, custody and education of their children. The norms of reference in this regard are the Federal Constitution (art. 226) and the Civil Code (Book I, art. 183ff and art. 0231).

306. Maternity protection, pre-school assistance and schooling, among other State measures, are aimed at protecting citizenship, as regards both the individual and the family group. Similar benefits are provided in the area of social welfare in the form of maternity allowance and family allowance.

307. Since December 1999, the maternity allowance is guaranteed to all women registered with the social security system, regardless of their status in the labour market. The Brazilian system of maternity protection is grounded in the following legal and constitutional provisions: the 1988 Federal Constitution (art. 7, *xviii*; art. 203, I and art. 208, *iv*); ILO Convention No. 103; Consolidated Labour Legislation (Title III, chap. III, sect. V).

308. Prior to 1999, the maternity protection benefit was not extended to self-employed women, businesswomen, and women who registered with the social security system voluntarily, even though they were subject to deduction. The purpose of the recent change was to extend these benefits to all working women, both those regularly employed and independent workers. Even if a woman works informally, she is eligible for the benefit. The legislation extends the maternity allowance and other protection measures to regular government employees who become pregnant.

309. To have a clearer idea of the scope of maternity protection, two aspects must be considered: protection of working mothers and protection of their child.

310. With respect to protection of the working mother, the principle of non-discrimination because of pregnancy is applied (Consolidated Labour Legislation-CLT, art. 391, chapter heading and sole paragraph). Accordingly, the following rights are guaranteed: maternity leave (1988 Federal Constitution, art. 7, *xviii* and CLT, art. 392); maintenance of salary rights and benefits during maternity leave; return to the same position held before maternity leave (CLT, art. 393); termination of work contract should the job be harmful to pregnancy (CLT, art. 394); and remunerated rest in case of miscarriage and return to the same position held before leave (CLT, art. 395).

311. Another right guaranteed a pregnant working woman is the prohibition of arbitrary or unwarranted dismissal as of confirmation of pregnancy up to five months after childbirth. This is the so-called pregnant employee's provisional tenure on the job, contained in the Transitional Constitutional Provisions Act (art. 10, II, *b*). The termination of such an employee's work contract during this tenure period does not guarantee the right to return to the job, but only the right to the salary and benefits corresponding to this period and attendant effects. In this regard, uncontested precedent has already been established by the Superior Labour Court-TST (TST Opinion No. 244).

312. As regards child protection, the Consolidated Labour Legislation provides for two special 30-minute rest periods during working hours so that a mother may nurse her baby, until the baby is six months old (CLT, art. 396). The CLT recommends that paragovernmental entities (SESI, SESC, LBA) and other public agencies devoted to children's welfare should, according to their capabilities, maintain nurseries and kindergartens in areas with a higher concentration of workers, to care especially for the children of female workers (CLT, art. 397).

313. Maternity leave is granted for 120 days, in two instalments: 28 days before and 92 days after confinement. The mother has the option of requesting maternity leave in a single instalment after confinement.

314. The basic benefit due a working woman during maternity leave is the maternity allowance (1988 Federal Constitution, art. 7, *xviii*), paid out directly by the social security system. The State has the duty to promote actions and services in the areas of public health and welfare to benefit anyone in need thereof, including working women during pregnancy and maternity leave (1988 Federal Constitution, art. 198, *ii* and art. 203, *i*).

315. Since December 1999, the benefit, corresponding to the female employee's full monthly salary, is paid out directly by the social security system. Before, the maternity allowance of housemaids and independent workers was paid from social security while the allowance of all other working women was the responsibility of the businesses that employed them, even though their allowance came from social security.

316. Medical expenses, another benefit granted by the Brazilian State, are covered by the free public health system to the extent of the latter's capabilities. Table 42 below shows maternity salary payments from 1995 to 1999.

Table 42

Maternity salary 1995-1999

Year	Number as at December	Amount (in Cr$ millions of June 1999), cumulative for the year
1995	14 895	14.77
1996	20 214	22.98
1997	27 094	34.50
1998	34 175	48.97
1999	38 176	63.86

Source: Social Security Statistics Yearbook and Social Security Statistics Bulletin.

317. According to the Brazilian legal system, all working women are entitled to maternity protection in the terms explained above. In practice, however, those who do not have an employee's registration card (informal market) often have this right violated. This happens because there is no record of their registration as employed women who contribute to social security, which facilitates non-compliance with coverage norms. The Government is developing supervisory mechanisms to address this situation. One way of preventing this practice is to regularize the working woman's situation, bringing her into the formal market (record on her worker's card). Should this attempt fail, her employer can be sued and subjected to the payment of a fine (administrative fine).

318. Health coverage is extended to all Brazilian women. Coverage related to work, though, is limited to working women who contribute to social security.

319. At this point, the Committee's guidelines request that States address the issue of child labour. In this respect, the Brazilian Government wishes to point out that combating child labour - as well as irregular adolescent labour - is a priority on the Government's agenda, particularly as regards so-called intolerable forms of labour that affect the health, security and moral development of children and young people.

320. This topic is on Brazil's social policy agenda and poses a challenge to Government and society alike. But the Government recognizes that it shoulders the major responsibility for designing policies, legislation, strategies and actions aimed at eliminating child labour, particularly and above all in its intolerable manifestations, as it is not consistent with the ethics of a democratic society determined to ensure fairness and equal opportunities for all its citizens.

321. Still, child labour is a complex issue. In a country with Brazil's characteristics, several factors must be taken into account in analysing this problem. Its occurrence is certainly associated with poverty, inequality and social exclusion; with factors of a cultural and economic nature and with the social organization of production; with the often regionally differentiated culture vis-à-vis the valuation of work, whereby children are drafted into the work force as a way to draw them away from idleness or possible delinquency; with factors linked to traditional and familiar forms of economic organization, particularly in the case of small-scale farming.[16]

322. Admitting the existence of this problem in Brazil and the problem's complexity, the Government has endeavoured to develop, in close association with society, instruments, institutions and programmes to combat all forms of child labour. Important in this respect are not only the figures showing the premature entry of children into the work force but also the nature of the work, particularly in view of the working conditions, dangers and abuses to which these working children are subjected.

323. In Brazil's case, high-risk child labour occurs in the rural areas, in charcoal kilns, quarries, sisal processing, sugar cane agribusiness and salt extraction. In urban areas, it occurs in the informal sector and in some formal activities, such as shoe manufacturing in certain areas. Children also participate in illegal, anti-social, high-risk activities such as prostitution and drug trafficking.

324. The United Nations Children's Fund-UNICEF lists the following characteristics that, singly or together, make too-early work harmful to the educational, psychological, and social development of children: (i) full time work at an early age; (ii) long workdays; (iii) work leading to situations of physical, social or psychological stress or harmful to the child's full psychological and social development; (iv) work on the streets under hazardous conditions for the child's health and physical and moral integrity; (v) work that interferes with school attendance; (vi) work entailing excessive responsibility for the child's age; (vii) work that compromises or threatens the child's dignity and self-esteem, particularly work entailing forced labour and sexual exploitation; and (viii) underpaid work.

325. The question of child labour in Brazil must also be viewed from the perspective of family activity. Not even the most recent data obtained through the 1999 National Household Sample Survey cover family child labour. However, given the importance of this phenomenon, the Brazilian Geographical and Statistical Institute is carrying out research in this area.

326. In many cases it is difficult to establish the occurrence of child labour, as employers in general do not hire children directly. For example, parents may be hired to do a job related to clothing, say, or to the assembling or manufacturing of parts. As they must fill a production quota, these parents put the whole family to work at home, where control is practically impossible.

327. The 1988 Constitution sets the minimum working age at 14. Between 12 and 14, children may work only as apprentices. But the Brazilian Government has sent the National Congress a constitutional amendment proposal making work by children under 14 illegal, even if they work as apprentices. The 1999 Child and Adolescent Statute-ECA incorporated some of the principles of ILO Convention No. 138, which sets the minimum age for entering the labour market and places some restrictions on work by children under 14.

328. As to governmental measures to eliminate child labour, it should be noted that in recent years a legal framework has been put in place. In each state, a State Commission against Child Labour has been established under the Ministry of Labour. A National Child and Adolescent Rights Council-CONANDA has been set up at the Ministry of Justice. Also under the Ministry of Justice, Child and Adolescent Rights Councils and Custodian Councils have been created at the State and municipal levels.

329. To integrate its initiatives in this area, the Federal Government has established a Forced Child Labour Repression Group-GERTRAF, consisting of seven ministries and coordinated by the Ministry of Labour. The major effort aimed at integrating governmental and societal initiatives is undertaken by the National Forum for the Prevention and Elimination of Child Labour, which has the support of UNICEF and ILO. The Forum has drawn up an Integrated Action Plan-PAI, under which scholarships are granted to families that take away their children from child labour and keep them in school.

330. The realization of the problem and the forms whereby the Government and society are addressing it have been put on record in national and international forums and the documents devoted to the issue of child labour. Despite progress in understanding the problem and in the implementation of initiatives, there is still much to be done, with respect not only to the devising of new strategies but also to the institutional coordination within and outside the various government sectors to expand activities aimed at combating child labour.

331. A description follows of the characteristics of child labour in Brazil. This analysis, done in the second half of the 1990s, reflects data gathered by the Brazilian Geographical and Statistical Institute.[17] It should be noted that improved surveys and more thorough analyses done since have identified a declining trend. This can be gathered from the 1999 National Household Sample Survey, which showed that the percentage of working children aged 5 to 14 has dropped from 11 per cent in 1995 to 9 per cent. Of the 2,908,341 working children and adolescents, 87.1 per cent (2,532,965) were in the 10-14 age bracket while 12.9 per cent were in the 5-9-age bracket. The number of working children and adolescents of both sexes aged 5-14 has dropped in relation to 1995. This breaks down according to gender as follows: girls, from 14.5 per cent to 11.8 per cent; boys, from 7.8 per cent to 6.0 per cent.

332. Children aged 5-9. The 1995 National Household Sample Survey showed that 3.6 per cent (581,300) of children aged 5-9 were working an average of 16.2 hours weekly. Most of the work (79.2 per cent) was typical agricultural chores, particularly in small-scale family farming. Thus, 63.2 per cent of the children were working on their own. In a consistent pattern, 75 per cent of working children in this age bracket came from families whose head was occupied in farming. It should be noted that 61 per cent of the household heads in households where child labour was recorded are self-employed and involved in farming activities. Of the working children in this age group, 51.7 per cent lived in north-eastern States and did work related to family farming. The demographic and economic characteristics of family heads show that in households where children aged 5-9 worked, 92 per cent of the family heads were men; 57.8 per cent were mulatto; 37 per cent were white; 35.4 per cent earned up to Cr$ 100 monthly; and 56 per cent could read and write. Moreover, 91 per cent of working children came from two-parent homes. Thus, the data on the 5-9 age bracket show that child labour is not very significant, as far as the number of hours is concerned. The work is of an agricultural nature, localized mostly in the north-east, predominantly independent, and typical of poor families with a low educational level.

333. A declining trend in the number of working children aged 5-9 has been detected from 1995 to 1999, as the total dropped from 519,000 to 375,000.

334. Children aged 10-14. The percentage of working children in the 10-14 age bracket has risen substantially. Of a total of about 17.6 million children in this group, 18.7 per cent (3.3 million) were working. Child labour in this group is predominantly male (87.4 per cent). Approximately 57.3 per cent were black or mulatto and 41.7 per cent were white. Some 54.6 per cent of these children lived in the rural areas. A breakdown by region shows that 47.5 per cent of these working children are in the north-east and 23.8 per cent in the south-east. The percentage of working children in this age bracket in the north-east is higher than the region's share of the total working population (28.7 per cent). Of the 1,480,000 children in this age group living in urban settings, 34.1 per cent lived in the north-east and 33.1 per cent in the south, a similar proportion. It should be noted that of the 1,780,000 living in the rural area, the percentage living in the north-east was high (58.6 per cent), well above that of the south (16 per cent). Thus, the data point to a significant participation of working children in the rural areas in the north-east, and a smaller participation in the country's southern region. These children's main occupation was agriculture and animal husbandry (58.3 per cent), followed by commerce (12.4 per cent), and industry and services (11.2 per cent). Indeed, the figures showed that 53.8 per cent worked on farms and various types of smallholdings, while 23.1 per cent worked in shops, workshops, factories and offices. At the time of the survey, the children worked on small rural properties that functioned on the basis of family economy, such as in tobacco growing. Parents working outside the small family concern, such as on sugarcane plantations and on charcoal production, used their children's work to ensure production quotas. That means that the early entry of these children into the labour force was decided by the family as a way of increasing its production quotas to supplement family income. Although it has an immediate economic rationale as a means of ensuring the family's survival, this approach has a high social cost in the long run, as it perpetuates poverty and inequality within and between generations. Child labour in the 10-14 age group also occurred outside the family context and away from parental protection in workshops, small businesses and domestic service. The informal sector also absorbed child labour, as, for example, in activities carried out on the streets (street vendors, car washers and car watchers, bootblacks, etc.). The 1995 data showed that 56.6 per cent of working children were not paid for their work; of those receiving some sort of pay, 88.8 per cent earned up to one minimum salary; about 58 per cent worked from 15 to 39 hours a week, the average being 26.5 hours. The data identified the following characteristics of the heads of the families of working children: (i) 87.4 per cent of families were headed by a man; (ii) 52.2 per cent were mulatto and 41.7 per cent were white; (iii) 39.8 per cent could not read or write; (iv) 56.1 per cent were self-employed; and (v) 34.5 per cent earned up to one minimum monthly salary. The same aspects were evidenced for the 10-14 age group as for the 5-9 age group: these working children come from poor families with a low educational level; for the most part their parents work on their own on family farming and, to a large extent, they lived in the north-east. However, besides forming a much larger contingent, the 10-14 group works in a much wider range of activities, particularly in typically urban occupations, in which they are often subject to risky and abusive conditions.

335. The same declining trend was observed in the 10-14 age bracket during 1995-1999: the total number of working children dropped from 3.3 million to 2.5 million.

336. Another important datum is the percentage of children out of school. The 1999 National Household Sample Survey showed a drop in the number of children aged 7-14 who do not attend school as compared with 1998. In 1998, 5.3 per cent of children in this age bracket did not attend school; in 1999, this figure dropped to 4.3 per cent.

337. The Brazilian Government wishes to point out to the Committee on Economic, Social and Cultural Rights the main features of each instrument available in Brazil for combating child labour.

338. From a historical point of view, the Brazilian child labour legislation goes back to 1891, when Decree No. 1313 determined that female minors aged 12-15 and male minors aged 12-14 would have a workday of a maximum of 7 hours, while male minors aged 14-15 would have a workday of a maximum of 9 hours. Up to the adoption of the Consolidated Labour Legislation-CLT in 1943, several instruments regulated the minimum working age, such as the 1927 First Latin American Minors Code, which prohibited child labour under age 12 and night work for minors under 18. The CLT addressed this issue in a comprehensive manner, set the minimum work age at 12, and defined the conditions in which work was allowed.

339. The Federal Constitution, in various provisions, provides for the protection of child and adolescent rights. Worth noting is article 227, which states that it is the duty of the family, society and the State to ensure - on an absolute priority basis - the child's and the adolescent's right to life, health, food, education, leisure, vocational training, culture, dignity, respect, liberty, and family and community life, as well as providing protection from negligence, discrimination, exploitation, violence, cruelty and oppression. The State's commitment to promote child and adolescent rights is clearly expressed in the Constitution's provision that "...the State shall promote programmes to provide full assistance to the health of children and adolescents and to this end the participation of non-governmental organizations shall be permitted." Article 203 asserts that this assistance shall be accorded to anyone who may need it, irrespective of any contribution to social security, and states that emphasis shall be given to assisting destitute children and adolescents.

340. The same provision sets at 14 the minimum age for being admitted to work, with the proviso set forth in article 7, *xviii*, which bars minors under 18 from night, hazardous, or unhealthy work and minors under 14 from any kind of work, except as apprentices.

341. Article 405 of the Consolidated Labour Legislation-CLT bars adolescents from working not only in hazardous or insalubrious locations (tables identifying these conditions are prepared by the Ministry of Labour and Employment), but also in locations and on jobs harmful to a minor's moral development (art. 405, *ii*). Article 405, paragraph 3, lists the following types of work as being harmful to a minor's morals: (a) work in revue theatres, nightclubs, casinos, dance halls and similar establishments; (b) work in a circus, as an acrobat, mountebank, gymnast and the like; (c) work in the production, composition, delivery or sale of writings, printed matter, posters, drawings, pictures, paintings, emblems, images, and any other object that might, in the competent authority's view, be harmful to the minor's moral development; (d) retail sale of alcoholic beverages. Paragraph 2 refers to work done on the streets, squares and other public

places, determining that this type of work shall require previous authorization from the Juvenile Court, on which it is incumbent to determine if such work is essential to the minor's own subsistence or that of his parents, grandparents, or siblings and as such might not result in harm to his moral development.

342. Article 407 of the CLT further specifies that, should it be determined that the work done by a minor is harmful to his health, physical development, or morals, the competent authority may order the minor to quit the work and the enterprise shall make every effort to shift the minor to another activity.

343. With respect to the table in article 405, it should be noted that the Ministry of Labour and Employment, through Directive 06/2000, has updated the list of jobs and locations considered insalubrious or hazardous. This updating was important particularly because it included some activities that, although posing a health or safety risk to adolescents, were not on the previous listing, which left many without legal protection.

344. As defined by article 404 of the CLL, night work, prohibited to adolescents (those under 18), is work done between 10 p.m. and 5 a.m.

345. The Child and Adolescent Statute (Law 8069/90) also provides special protection to the adolescent apprentice aged 14-18. The following types of work are definitely prohibited for them: (a) night work; (b) hazardous, unhealthy, or painful work; (c) work done at locations harmful to their upbringing and to their physical, psychic, moral and social development; and (d) work done at a time and at a location that prevent a minor from attending school.

346. As regards the child labour issue, the main change of a legislative nature occurred in 1990 with Constitutional Amendment No. 20, which raised from 14 to 16 the age for entering the work force. The same thing happened with respect to apprenticeship, for which adolescents now must be 14 and no longer 12, as before.

347. In addition to making constitutional changes, Brazil has deposited the instruments of ratification of two ILO conventions: Convention No. 138 (minimum age) and Convention No. 182 (worst forms of child labour). With respect to Convention No. 138, Brazil has set the minimum age for entry into the work force at 16, thereby holding, at the international level, to the same commitment made internally under the Federal Constitution. With respect to Convention No. 182, the Ministry of Labour and Employment has set up a tripartite commission for studying and determining the types of work to be considered the worst types of child labour in Brazil. Accordingly, all the government sectors will be able, in the short run, to give priority to actions aimed at the thorough elimination of the worst forms of child labour, without detriment to the continuity of the actions aimed at eliminating all forms of child labour.

348. Labour Inspection, under the Ministry of Labour and Employment, is one of the main tools for combating child labour in Brazil. Inspection involves the entire Auditor-Inspector corps (about 3,200 auditor-inspectors, from doctors and work engineers to legal inspectors). Given its size and political-administrative organization, the Ministry of Labour and Employment has units in all the Brazilian States. Each unit has a Special Group for Combating Child Labour and Protecting Adolescent Workers-GECTIPA. These groups were set up for the sole purpose of

repressing and preventing all forms of illegal child and adolescent labour. The GECTIPAs work according to an operational plan they draw up at the beginning of each fiscal year, which specifies the locations and activities they will inspect that year, without prejudice to their taking up any case that may be reported. The planning usually takes into account the work done the previous year, which is published periodically by the Labour Inspection Secretariat, under the title Child and Adolescent Indicators Map.

349. In 1999 Labour Inspection covered 455,048 establishments. Of these, 52,204 were visited during specific actions aimed at combating child labour and protecting adolescent workers (figures provided by the Federal Labour Inspection System-SFIT).

350. Besides carrying out such inspections, the Ministry of Labour and Employment also cooperates with the Social Welfare Secretariat-SEAS of the Ministry of Social Security and Welfare-MPAS on the Elimination of Child Labour Programme-PETI, one of the major government programmes under Avança, Brazil (Forward, Brazil) project. Actions under PETI range from the granting of scholarships to families so they can take their children away from work and keep them in school to expanded school hours and related activities. Labour Inspection not only provides data for selecting locations and activities to be included in the programme but also oversees the programme's implementation. Since it was launched in 1996, PETI has grown steadily and covers an ever-larger number of children and adolescents, as shown by the table below.

Table 43

Coverage of the Elimination of Child Labour Programme (PETI), 1996-2000

Year	Number of municipalities	Number of children and adolescents	Funds
1996	17	3 710	931 500.00
1997	48	37 025	14 435 888.00
1998	140	117 200	39 521 432.50
1999	230	145 564	82 639 388.54
2000		*362 000	*182 000 000.00

* Estimates through end 2000.

351. It should be noted that by leaving the door open as regards the minimum age for the adolescent apprentice, the Constitution allows ordinary legislation to regulate the matter. However, the understanding among jurists is that 14 is the minimum age for ordinary work and 12 for apprenticeship. Thus, between ages 12 and 14, work is only acceptable in the context of vocational training, all other types of work done in industrial plants being excluded. (Convention No. 5, ratified by Brazil, and article 1 of Decree No. 66280 of 27 February 1970.)

352. As mentioned earlier, the executive branch has sent to the National Congress Federal Constitution Amendment Bill No. 413/96 deleting the expression "except as an apprentice". Approval of this amendment will make work legal in Brazil beginning at age 14, which will make possible the ratification of ILO Convention No. 138.

353. As education is a crucial point in any child adolescent policy, the Federal Constitution, in article 228, specifies the duties incumbent on the State, as follows:

"I. Compulsory, free-of-charge basic education, including for those who had no access to it at the proper age;

"II. Provision of special education to handicapped, preferentially in the regular school system;

"III. Attention to children aged 0-6 in nurseries and kindergartens;

"IV. Provision of regular night school to fit the student's circumstances;

"V. Attention to students at basic education level through supplementary programmes providing didactic and school materials, transportation, nutrition, and health care."

354. In perfect consonance with contemporary international trends in the area of promotion and protection of child and adolescent rights, Brazil adopted, 10 years ago, the Child and Adolescent Statute-ECA, mentioned earlier. This statute regulates the achievements embodied in the Federal Constitution with respect to children and adolescents and introduces important innovations in the treatment of this issue as it sums up content, method and management changes. One of the most relevant content changes has to do with the legal and social defence of children and adolescents. In terms of methods for more effective action, ECA leans away from the welfare approach prevailing in programmes oriented towards the child and adolescent public, replacing it by an approach of an educational and social development nature, which leads to emancipation. Moreover, in the area of assistance to children and adolescents living under conditions of personal and social risk, ECA rejects the subjective and discretionary practices of the traditional custodianship law and introduces juridical safeguards. In this manner, the child and the adolescent are vested with the status of a person with rights vis-à-vis the administration of justice system for children and adolescents.

355. On the institutional side, ECA has created the Custodian Councils (art. 131) to ensure the efficient implementation of statute recommendations. These councils are standing, autonomous bodies, not subject to jurisdictional boundaries, which are entrusted by society with the responsibility for the implementation of the rights of children and adolescents. Whenever these rights are violated by action or omission of the State or society, it is incumbent upon these Custodian Councils to adopt the pertinent protection measures, filing, if necessary, a petition with the judicial authority.

356. Pursuant to its "policy whereby attention to the rights of children and adolescents is to be implemented through a coordinated set of governmental and non-governmental actions by the Union, the States, the Federal District, and the municipalities" (art. 86), the ECA, consistent with a decentralized policy, sets up councils at the federal, State and municipal levels for the defence of child and adolescent rights. These Rights Councils, established on an equal footing by

Government and society, act as deliberative bodies that monitor actions related to children and adolescents at all government levels. The function of these Rights Councils is to define norms and formulate policies; they do not have an executive function, which belongs to the Government.

357. Thus, the Statute adheres to the principles of political and administrative decentralization and participation by organizations of society. Above all, it expands the functions of the municipality and the community, thereby restricting the responsibility of the Federal Government and the States. On the Federal Government falls the exclusive responsibility for issuing general norms and for the overall coordination of policies. In this connection, it is worth noting the major role played by the National Child and Adolescent Rights Council-CONANDA, a deliberative collegium in which Government and society are equally represented, charged with monitoring public policies.

358. Besides being an unprecedented legal milestone as regards the issue under review, the ECA seeks to ensure children and adolescents' full physical, mental, moral, spiritual, and social development under conditions of freedom and dignity. Throughout the Statute there runs the concept that children and adolescents should enjoy priority in receiving assistance, have precedence as recipients of assistance from public services, be given preference in the formulation and implementation of social policies and, finally, should come first with respect to the destination of appropriations for child and adolescent protection. Such priority reiterates the constitutional provisions mentioned in the previous section.

359. Consistent with fundamental rights, including the right to family and community living, education, culture, sports and leisure, the Statute provides for vocational training and work protection. In reiteration of constitutional provisions, chapter V prohibits minors under 14 from working, "except as apprentices". The encouragement of apprenticeship, in the sense of technical and vocational training, is subject to the guarantee of the adolescent's access to and compulsory attendance of regular school. Moreover, the National Congress is evaluating the regulation of educational work as contained in the ECA in regard to adolescents aged 14-18, so that educational activities are conducive to this group's entry into the labour force.

360. A clarification is in order with respect to activities connected with apprenticeship, which is allowed beginning at age 14. These activities are permitted only if other requirements established by article 63 of the Child and Adolescent Statute are met, namely: guarantee of access to and compulsory attendance of a regular school; compatibility of these activities with the adolescent's development; and special hours for the exercise of said activities.

361. Another important law is the one on Welfare (Law 8742 of 7 September 1993), which regulates articles 203 and 204 of the Constitution, creates the social protection system directed at the most vulnerable segments of the population, to be ensured through benefits, services, programmes and projects. Article 2 of the law establishes that welfare objectives include (i) family, childhood and adolescence protection; and (ii) assistance to destitute children and adolescents.

362. It should be pointed out that welfare actions are not aimed at the entire child and adolescent population, but to a specific segment thereof that needs them because of poverty, exclusion, or personal and social risk.

363. To a large extent, the international agreements and conventions as well as other instruments that provide the basis for the promotion and protection of child and adolescent rights in the context of the United Nations human rights provisions have inspired the legal and institutional apparatus that ensures the implementation of the rights of Brazilian children and adolescents today. The basic document, the first to be mentioned, is the 1924 Geneva Declaration of the Rights of the Child, adopted by the United Nations General Assembly in 1959. The conviction that it was essential to ensure special protection of children was first stated in 1924 and recognized later in the Universal Declaration of Human Rights (1948), in the International Covenant on Civil and Political Rights, and in the International Covenant on Economic, Social and Cultural Rights, all signed and ratified by the Brazilian Government.

364. Three decades elapsed before the international community adopted the United Nations Convention on the Rights of the Child (November 1989), which embodies the doctrine of full child protection and absolute priority of child rights as well as respect for children's civil, political, economic, social and cultural rights. This instrument, signed by the Brazilian Government when it was opened for signature by the Member States of the United Nations, was ratified through Legislative Decree No. 28 of 14 September 1990. Also in September 1990, Brazil was represented at the World Summit for Children, convened by the United Nations. On that occasion, 71 presidents and heads of State and representatives of 80 countries signed the World Declaration on Child Survival, Protection and Development and adopted a Plan of Action for the 1990s, thereby committing themselves to implement forthwith the Convention on Child Rights.

365. Brazil's positive right incorporates, in general, the norms of ILO conventions, even though not all of these have been ratified. Committed to combating child labour, the Brazilian Government has actively participated in international conferences that address this issue from various angles.

366. In addition to the legal instruments in force in Brazil to guarantee child and adolescent rights, in 1990 the Brazilian Government set up a federal council, followed by numerous State and municipal councils, whose purpose is child and adolescent protection. Moreover, the Government has endeavoured to create legal and administrative structures to ensure the joint action of the various levels of government and segments of society aimed at establishing a National Forum for the Prevention and Elimination of Child Labour.

367. With respect to actions and programmes aimed at the protection and overall development of children and adolescents in the areas of work, education, health, culture, human rights and social security, the Brazilian Government wishes to stress its enduring concern for coordinating sectoral policies aimed at children and adolescents.

368. The Brazilian Government gives special attention to international cooperation. At the various multilateral and regional forums, it has espoused international cooperation as an important channel for the implementation of economic, social and cultural rights through the financing of specific projects and programmes of interest to developing countries. The Ministry of Labour, for instance, is the formal coordinator in Brazil of the actions under the International Programme on the Elimination of Child Labour-IPEC of the International Labour Organization. Launched in 1992 and extended through 2001 through a memorandum of understanding signed by the Brazilian Government and ILO in October 1996, IPEC is oriented primarily towards three vulnerable groups: children doing forced labour; children working at unhealthy and hazardous occupations; and working children under 12.

369. IPEC results in Brazil are definitely positive. Brazil is recognized by the Programme's Director as one of the countries committed to effective actions to combat child labour for, as he notes, the President of the Republic is personally committed to the elimination of the problem. In ILO's assessment, among the results achieved it is worth pointing to the definitive inclusion of child labour on the national agenda and the significant mobilization of civil society. It is also worth pointing out that the introduction of the innovative concept of the productive chain has led to a greater understanding of the problem and to the involvement of Brazilian businesses in projects aimed at eliminating child labour, particularly in the charcoal, shoes, and orange producing areas.

370. For the implementation of IPEC, 19 projects were selected throughout the country, with the following goals: formulation of policies (Government); training of workers (unions); rights guarantee and social mobilization (employers); and direct assistance to minors and education of working children (NGO). IPEC activities have involved over 15,000 children, 1,315 labour leaders, and 544 educators.

Article 11

371. A careful look at poverty in Brazil provides important elements for an analysis of the population's living conditions. This topic is statistically complex and requires the ongoing, meticulous gathering and processing of data. The Government has, little by little, sought to meet these requirements so as to be able to arrive at increasingly accurate diagnoses. The National Census under way will certainly supply new elements concerning the population's living conditions and permit a re-evaluation of public policies that have a bearing on them.

372. Brazil does not have an official poverty line, but poverty lines based on the Indigence Method Line are commonly used. This method consists in first defining the amount needed to purchase a given food basket (the value of the extreme poverty line) and then applying a multiplier to this value to obtain the poverty line.

373. The food basket is defined as an ensemble of foods needed to ensure an ideal daily amount of calories. It is determined on the basis of the observed consumption of food among the poorest. The multiplier for defining the poverty line may be obtained empirically by observing the consumption of other items by the families on the extreme poverty line; however, a value of 2 is usually attributed, as is done at the Economic and Social Commission for Latin America and the Caribbean (ECLAC).

Table 44

Poverty in Brazil by individual characteristics

		Poverty line						Indigence line					
		Incidence of poverty within category			Distribution of poverty across category			Incidence of poverty within category			Distribution of poverty across category		
	Frequency in the population	Percentage of poor	Average income gap	Quadratic average income gap	Percentage of poor	Average income gap	Quadratic average income gap	Percentage of poor	Average income gap	Quadratic average income gap	Percentage of poor	Average income gap	Quadratic average income gap
Brazil	100.00	34	0.15	0.09	100.00	100.00	100.00	15	0.06	0.04	100.00	100.00	100.00
Characteristics of individuals													
Gender													
Male	49.10	34	0.15	0.10	49.25	49.47	49.73	15	0.06	0.04	49.39	49.49	49.36
Female	50.90	34	0.15	0.09	50.75	50.54	50.27	15	0.06	0.04	50.60	50.51	50.64
Schooling													
0 years of school	29.20	52	0.25	0.16	44.55	48.17	49.97	26	0.11	0.07	51.11	52.27	51.65
1-3 years of school	18.90	45	0.20	0.12	24.91	25.03	24.76	20	0.08	0.05	25.31	24.24	23.29
4 years of school	13.80	29	0.12	0.07	11.93	10.85	10.28	11	0.04	0.03	9.95	9.58	9.69
5-8 years of school	20.60	24	0.10	0.06	14.86	12.84	11.96	8	0.03	0.02	11.11	10.91	11.55
9-11 years of school	12.60	10	0.04	0.02	3.58	2.89	2.72	3	0.01	0.01	2.32	2.56	3.11
12+ years of school	5.00	2	0.01	0.01	0.24	0.29	0.40	1	0.01	0.01	0.28	0.53	0.80
Age													
0-6	13.70	50	0.25	0.16	20.19	21.88	22.74	25	0.11	0.07	23.13	23.80	23.81
7-14	17.30	46	0.22	0.14	23.47	24.79	25.31	22	0.09	0.06	25.97	25.95	25.29
15-22	19.10	33	0.14	0.08	18.68	17.72	17.00	13	0.05	0.03	16.82	15.98	15.53
25-34	44.00	27	0.12	0.07	35.00	33.74	33.43	11	0.05	0.03	32.80	33.13	34.16
65+	5.90	15	0.05	0.02	2.67	1.87	1.52	3	0.01	0.01	1.27	1.13	1.20
Family structure													
Position in household													
Attached	0.40	23	0.09	0.05	0.27	0.22	0.20	7	0.03	0.02	0.19	0.18	0.19
Spouse	18.90	29	0.13	0.08	16.14	15.69	15.56	12	0.05	0.03	15.41	15.43	15.69
Other kinship	9.20	35	0.14	0.08	9.41	8.21	7.30	12	0.04	0.02	7.16	6.06	5.37
Head	26.20	27	0.12	0.07	20.91	20.37	20.50	11	0.05	0.03	19.77	20.74	22.23
Child	45.20	40	0.19	0.12	53.18	55.43	56.35	19	0.08	0.05	57.39	57.51	56.43

Source: Constructed on the basis of the 1997 Household Sampling Survey (PNAD).

Table 45

Poverty in Brazil by employment and sector

		Poverty line						Extreme poverty line					
		Incidence of poverty within category			Distribution of poverty across category			Incidence of poverty within category			Distribution of poverty across category		
	Frequency in the population	Percentage of poor	Average income gap	Quadratic average income gap	Percentage of poor	Average income gap	Quadratic average income gap	Percentage of poor	Average income gap	Quadratic average income gap	Percentage of poor	Average income gap	Quadratic average income gap
Brazil	100.00	34	0.15	0.09	100.00	100.00	100.00	15	0.06	0.04	100.00	100.00	100.00
Participation in the labour market													
Employed	44.00	27	0.11	0.07	35.04	32.84	31.03	11	0.04	0.02	31.97	28.87	25.62
Unemployed	3.80	43	0.23	0.16	4.88	5.64	6.53	22	0.13	0.10	5.66	7.65	9.79
Inactive	32.10	33	0.14	0.09	30.83	29.96	29.73	13	0.06	0.04	29.02	29.34	30.56
Children (0-9)	20.10	49	0.24	0.15	29.27	31.58	32.75	25	0.11	0.07	33.38	34.19	34.06
Position in employment													
Employed	44.00	27	0.11	0.07	35.04	32.84	31.03	11	0.04	0.02	31.97	28.87	25.62
Subsistence	2.00	53	0.27	0.18	3.13	3.55	3.86	28	0.14	0.09	3.74	4.30	4.69
Registered	12.10	14	0.04	0.02	4.95	3.26	2.32	3	0.01	0.00	2.27	1.17	0.64
Self-employed	10.00	30	0.13	0.08	8.81	8.71	8.46	13	0.05	0.03	8.85	8.22	7.25
Employer	1.80	4	0.01	0.01	0.21	0.15	0.13	1	0.00	0.00	0.13	0.11	0.09
Civil servant	4.90	13	0.05	0.02	1.84	1.43	1.15	4	0.01	0.00	1.20	0.80	0.54
Unregistered	9.20	36	0.14	0.07	9.70	8.30	7.19	12	0.04	0.02	7.54	5.72	4.33
Unpaid	4.00	54	0.29	0.19	6.39	7.41	7.88	31	0.13	0.08	8.23	8.52	8.05
Unemployed	3.80	43	0.23	0.16	4.88	5.64	6.53	22	0.13	0.10	5.66	7.65	9.79
Inactive	32.10	33	0.14	0.09	30.83	29.96	29.73	13	0.06	0.04	29.02	29.34	30.56
Children (0-9)	20.10	49	0.24	0.15	29.27	31.58	32.75	25	0.11	0.07	33.38	34.19	34.06

Table 45 (continued)

		Poverty line						Extreme poverty line					
		Incidence of poverty within category			Distribution of poverty across category			Incidence of poverty within category			Distribution of poverty across category		
	Frequency in the population	Percentage of poor	Average income gap	Quadratic average income gap	Percentage of poor	Average income gap	Quadratic average income gap	Percentage of poor	Average income gap	Quadratic average income gap	Percentage of poor	Average income gap	Quadratic average income gap
Activity sector													
Employed	44.00	27	0.11	0.07	35.04	32.84	31.03	11	0.04	0.02	31.97	28.87	25.62
Civil construction	2.90	27	0.09	0.05	2.29	1.77	1.48	7	0.02	0.01	1.38	1.12	1.05
Transformation industry	5.30	16	0.05	0.03	2.51	1.84	1.45	3	0.01	0.01	1.47	0.97	0.68
Other	11.80	52	0.26	0.16	18.00	19.67	20.28	27	0.11	0.07	21.23	21.13	19.71
Distribution services	7.50	16	0.06	0.03	3.63	2.83	2.32	5	0.01	0.01	2.35	1.67	1.28
Personal services	8.20	25	0.09	0.05	6.04	4.75	3.91	7	0.02	0.01	3.92	2.86	2.13
Productive services	2.10	6	0.02	0.01	0.39	0.28	0.22	1	0.00	0.00	0.21	0.13	0.08
Social services	6.30	12	0.04	0.02	2.18	1.66	1.32	3	0.01	0.00	1.36	0.91	0.64
Unemployed	3.80	43	0.23	0.16	4.88	5.64	6.53	22	0.13	0.10	5.66	7.65	9.79
Inactive	32.10	33	0.14	0.09	30.83	29.96	29.73	13	0.06	0.04	29.02	29.34	30.56
Children (0-9)	20.10	49	0.24	0.15	29.27	31.58	32.75	25	0.11	0.07	33.38	34.19	34.06
Occupational group													
Employed	44.00	27	0.11	0.07	35.04	32.84	31.03	11	0.04	0.02	31.97	28.87	25.62
Agriculture	9.90	56	0.28	0.18	16.23	17.89	18.54	29	0.12	0.07	19.31	19.42	18.26
Street vendor	1.20	33	0.13	0.07	1.16	1.05	0.93	12	0.04	0.02	0.94	0.77	0.64
Civil construction	2.90	27	0.10	0.05	2.34	1.81	1.50	7	0.02	0.01	1.40	1.12	1.02
Own business	1.70	15	0.06	0.03	0.77	0.61	0.50	5	0.01	0.01	0.52	0.35	0.25
Retail and wholesale commerce	2.60	14	0.04	0.02	1.05	0.72	0.55	3	0.01	0.00	0.52	0.33	0.23
Office	3.00	4	0.01	0.01	0.38	0.23	0.16	1	0.00	0.00	0.15	0.08	0.06
Sports	0.10	4	0.01	0.01	0.01	0.01	0.01	1	0.00	0.00	0.01	0.01	0.00
Extraction	0.60	67	0.33	0.21	1.18	1.29	1.32	36	0.14	0.08	1.47	1.35	1.15
Financial, brokerage and insurance services	0.30	2	0.01	0.00	0.02	0.01	0.01	1	0.00	0.00	0.01	0.01	0.01

Table 45 (continued)

		Poverty line						Extreme poverty line					
		Incidence of poverty within category			Distribution of poverty across category			Incidence of poverty within category			Distribution of poverty across category		
	Frequency in the population	Percentage of poor	Average income gap	Quadratic average income gap	Percentage of poor	Average income gap	Quadratic average income gap	Percentage of poor	Average income gap	Quadratic average income gap	Percentage of poor	Average income gap	Quadratic average income gap
Occupational group (continued)													
Civil servant	0.20	30	0.11	0.05	0.18	0.14	0.11	9	0.02	0.01	0.11	0.07	0.04
Food and tobacco industry	0.70	35	0.13	0.07	0.21	0.17	0.15	12	0.04	0.02	0.16	0.13	0.09
Ceramics, rubber products, cement and wood industries	0.90	28	0.10	0.05	0.75	0.57	0.46	8	0.02	0.01	0.48	0.33	0.25
Electrical appliances and electronics	0.10	11	0.03	0.01	0.03	0.02	0.01	2	0.00	0.00	0.01	0.01	0.00
Printing and paper industry	0.10	11	0.04	0.02	0.03	0.03	0.02	3	0.01	0.01	0.02	0.02	0.02
Metallurgy	0.90	14	0.04	0.02	0.36	0.24	0.18	3	0.01	0.00	0.20	0.11	0.07
Textiles	0.10	25	0.10	0.06	0.07	0.07	0.06	9	0.04	0.02	0.06	0.06	0.05
Other	1.40	17	0.06	0.03	0.70	0.57	0.47	5	0.02	0.01	0.49	0.36	0.27
General productive jobs	0.80	12	0.04	0.02	0.29	0.20	0.15	2	0.01	0.00	0.13	0.09	0.06
Other proprietors	1.40	4	0.01	0.01	0.15	0.11	0.09	1	0.00	0.00	0.10	0.08	0.07
Religion	0.00	21	0.08	0.05	0.00	0.00	0.00	9	0.03	0.02	0.03	0.00	0.00
Ministers, directors and advisers	0.30	4	0.01	0.01	0.03	0.02	0.02	1	0.00	0.00	0.03	0.01	0.00
Shoes and accessories	0.20	21	0.08	0.04	0.13	0.10	0.08	6	0.02	0.01	0.08	0.06	0.05
Auxiliary services	1.90	27	0.09	0.04	1.54	1.15	0.89	7	0.02	0.01	0.89	0.55	0.36
Barbershop and beauty parlour services	0.40	14	0.05	0.03	0.17	0.13	0.11	4	0.01	0.01	0.11	0.08	0.07

Table 45 (continued)

		Poverty line						Extreme poverty line					
		Incidence of poverty within category			Distribution of poverty across category			Incidence of poverty within category			Distribution of poverty across category		
	Frequency in the population	Percentage of poor	Average income gap	Quadratic average income gap	Percentage of poor	Average income gap	Quadratic average income gap	Percentage of poor	Average income gap	Quadratic average income gap	Percentage of poor	Average income gap	Quadratic average income gap
Occupational group (continued)													
Manual labour	0.70	42	0.16	0.09	0.86	0.73	0.64	14	0.05	0.02	0.68	0.52	0.40
Communications services	0.20	10	0.03	0.02	0.06	0.04	0.03	3	0.01	0.00	0.03	0.02	0.01
Undeclared	0.00	17	0.04	0.01	0.00	0.00	0.00	0	0.00	0.00	0.00	0.00	0.00
Domestic services	3.20	36	0.13	0.07	3.36	2.72	2.28	11	0.03	0.02	2.31	1.72	1.27
Public safety services	0.50	4	0.01	0.00	0.06	0.03	0.02	1	0.00	0.00	0.02	0.01	0.00
Hotel, bar and restaurant services, restaurants	1.20	21	0.07	0.04	0.75	0.56	0.44	6	0.02	0.01	0.46	0.31	0.23
Judiciary, education and health services	2.10	8	0.03	0.01	0.48	0.36	0.28	2	0.01	0.00	0.28	0.18	0.13
Proprietor	0.20	3	0.01	0.00	0.02	0.01	0.01	1	0.00	0.00	0.01	0.00	0.00
Entertainment and crafts services	0.30	14	0.05	0.03	0.12	0.09	0.08	4	0.01	0.01	0.09	0.07	0.05
Repair services	1.00	16	0.05	0.03	0.46	0.35	0.28	4	0.01	0.01	0.28	0.20	0.14
Transportation services	1.70	12	0.03	0.01	0.61	0.38	0.26	2	0.00	0.00	0.24	0.13	0.07
Office and lab technicians and professionals	1.00	1	0.00	0.00	0.04	0.02	0.02	0	0.00	0.00	0.02	0.01	0.00
Clothing	0.90	17	0.06	0.03	0.46	0.37	0.33	5	0.02	0.01	0.32	0.27	0.22
Unemployed	3.80	43	0.23	0.16	4.88	5.64	6.53	22	0.13	0.10	5.66	7.65	9.79
Inactive	32.10	33	0.14	0.09	30.83	29.96	29.73	13	0.06	0.04	29.02	29.34	30.56
Children (0-9)	20.10	49	0.24	0.15	29.27	31.58	32.75	25	0.11	0.07	33.38	34.19	34.06

Source: Based on the 1997 Household Sampling Survey (PNAD).

Table 46

Poverty structure in Brazil by geographic location

		Poverty line						Indigence line					
		Incidence of poverty within category			Distribution of poverty across category			Incidence of poverty within category			Distribution of poverty across category		
	Frequency in the population	Percentage of poor	Average income gap	Quadratic average income	Percentage of poor	Average income gap	Quadratic average income	Percentage of poor	Average income gap	Quadratic average income	Percentage of poor	Average income gap	Quadratic average income
Brazil	100.00	34	0.15	0.09	100.00	100.00	100.00	15	0.06	0.04	100.00	100.00	100.00
Geographical location													
Urban	79.60	28	0.12	0.07	64.81	60.03	57.94	10	0.04	0.03	55.93	55.28	57.31
Rural	20.40	58	0.30	0.20	35.22	40.01	42.11	32	0.14	0.08	44.12	44.77	42.73
Major regions													
Centre-west	7.00	24	0.09	0.06	4.93	4.29	4.08	8	0.03	0.02	3.61	3.86	4.34
North-east	28.90	60	0.30	0.19	51.16	57.14	59.34	32	0.14	0.08	62.51	61.79	58.64
North	4.90	46	0.21	0.12	6.59	6.56	6.31	20	0.08	0.04	6.45	5.87	5.45
South-east	43.80	20	0.08	0.04	25.53	21.73	20.78	6	0.03	0.02	18.78	19.97	22.79
South	15.40	26	0.10	0.06	11.74	10.20	9.42	8	0.03	0.02	8.57	8.43	8.72

Source: Based on the 1997 Household Sampling Survey (PNAD).

374. In 1997, about 15 per cent of Brazilians lived in households with income below the extreme poverty line, i.e., with an income insufficient to purchase an ideal food basket; 34 per cent lived in households with income below the poverty line. Thus, at that time, about 24 million people could be classified as indigent and 54 million as poor.

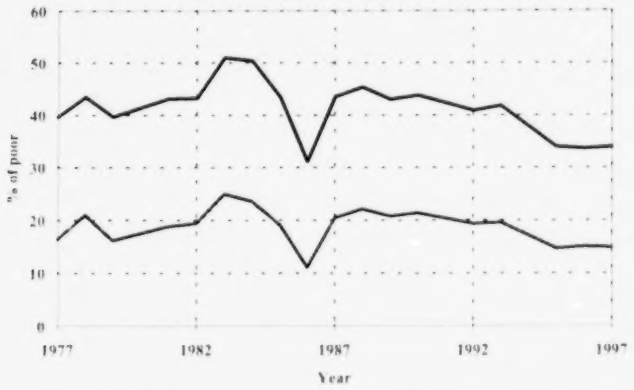
375. A closer analysis shows a significant drop in the number of people living below the extreme poverty line from 1990 to 1996, as follows: in 1990, 33,002,648; in 1993, 29,737,091; in 1995, 23,515,136; and in 1996, 21,352,479. This decline was more pronounced in urban areas than in rural areas. Thus, in 1996, 45.8 per cent of the extremely poor lived in rural areas while 20.48 per cent lived in metropolitan areas. From 1990 to 1996 there was also a gradual reduction in the population living below the poverty line: in 1990, 67,533,576; in 1996, 55,032,912.

376. Available data on poverty show that some groups are more vulnerable. About 66 per cent of the rural population are poor, whereas in the urban centres this figure drops to 28 per cent, according to 1997 figures. Children under 15 are the hardest hit age group, as 49 per cent of this category are poor. Among non-whites,[18] the proportion of poor is greater (50 per cent of them live below the poverty line) than among Whites (24 per cent). The north-east has the largest number of poor, as 65 per cent of the population live below the poverty line. The available data do not point to a substantial difference from a gender standpoint.

377. The last two decades have seen a small decline in poverty, which dropped from about 40 per cent in 1993 to 34 per cent in 1997. The main declining trend occurred between 1993 and 1995; thereafter, poverty has remained stable at about 34 per cent. However, this declining trend was not continuous, as the degree of poverty fluctuated according to macroeconomic conditions. In the early 1980s, macroeconomic fluctuations had a strong impact on poverty, which reached its highest levels during the 1983-1984 recession when the number of poor people exceeded 50 per cent. The lowest levels occurred after the stabilization plans adopted against inflation (the Cruzado and Real Plans), when poverty dropped to below 35 per cent. The lowest level was reached after the Real Plan, when there were less than 42 million poor. Between 1993 and 1997, over 10 million Brazilians ceased to be poor.

378. Population growth is another major factor in the increase in the number of poor. Owing to population growth and a stable degree of poverty, the number of poor rose by 1.5 million between 1995 and 1997. The average per capita family income of the 40 per cent poorest in Brazil is Cr$ 45.74 (September 1998 estimates). This figure includes earnings from work and any other type of income. Chart 11 shows the profile of poverty in Brazil during a significant period. The top line represents the poverty line while the bottom one is the indigence line.

Chart II: Evolution of poverty over time



Source: Constructed on the basis of data from the National Household.

379. Brazil does not keep an official physical quality of life index. Various quality of life indicators are used, such as the Quality of Life index, applied in internal comparisons; this is currently 0.72 for the country as a whole. Methodological differences make comparison with indexes used in other countries difficult. However, the Brazilian Government points out that the Human Development Index-HDI is widely known and makes international comparisons possible. According to this index, as applied in the Human Development Report 2000, Brazil ranks 74th. The HDI is now applied to each Brazilian municipality and to specific population groups. It is worth pointing out that a great many Brazilian municipalities are at levels similar to those of countries in the Low Human Development category. When applied to specific groups, this index shows that the Brazilian black population is characterized by a low level of income and education.

380. With respect to food and the right thereto embodied in the International Covenant on Economic, Social, and Cultural Rights, the Brazilian Government points out that a positive development can be seen over the last 10 years in terms of improvement of the food and nutrition situation in general. As of 1993, with the launching of the Citizen's Action against Hunger and Poverty and for Life and with the establishment of the National Food Security Council - CONSEA, civil society and Government have ascribed priority to combating hunger, and this is reflected in the nation's political agenda.

381. The national process of preparation for the 1996 World Food Summit spurred a more cogent discussion by Brazilian civil society and Government about the impact of public policies on the implementation of the human right to food and led to the drafting of the National Report to the Summit. In following up the Summit, when the Work Group on Food and Nutritional Security, acting in close cooperation with federal agencies, including the Solidarity Community's Executive Secretariat and the Ministry of Health, was strengthened, progress towards the incorporation of human rights concerns into public policies was consolidated.

382. One result of this effort is the Ministry of Health's Food and Nutrition National Policy, approved by the National Health Council in 1999. A detailed report on this process can be found in the case study presented by the Brazilian Government in Geneva in 1999 at a symposium held by the Nutrition Subcommittee of the United Nations Administrative Committee on Coordination and sponsored by the United Nations High Commissioner for Human Rights.

383. Since November 1998, the Brazilian Sustainable Food and Nutritional Security Forum, in close contact with civil society and at least 10 state governments, has coordinated the establishment of state forums and Food and Nutritional Security Councils, with the participation of both government and civil society. The Councils' main purpose is to ensure that one of the pivotal strategies of economic and social public policies at the state level is combating hunger and social exclusion through the promotion of the human right to food for all.

384. The Brazilian Government is concerned about malnutrition. As mentioned earlier, since 1990 the number of people living below the indigence and the poverty levels has declined.

385. Other studies carried out in several Brazilian cities, based on the consumption profile, show that these two segments are at risk of food insecurity in terms of both energy and of insufficient intake of a series of macro- and micronutrients, including iron, vitamins B_{12} and A and calcium, all of which affect both child and adult morbidity and mortality.

386. According to 1999 Ministry of Health figures, infant mortality in Brazil is estimated at 37 per 1,000 live births, malnutrition being the main or contributing cause of 55 per cent of these deaths (57,000 deaths of children aged less than one year). This figure does not take into account all births in the year as, because of difficulties of various kinds, about 1 million births go unrecorded. If this distortion is corrected, the extent of undernourishment may prove even larger.

387. Over the last 10 years, the Food and Nutritional Vigilance System-SISVAN, coordinated by the Ministry of Health, has been under implementation throughout the country. Its purpose is to compare the growth and development curve of children under 59 months covered by the Public Health Network. The system may have epidemiological use in the identification of areas with greater incidence of malnutrition as well as in the treatment of children identified as malnourished by the public health service. SISVAN has not been implemented nationwide yet but is already generating important data in some states. Even allowing for possible distortions owing to the repeated evaluation of the same child, figures for the state of Minas Gerais indicate that malnutrition occurs in from 13 to 48 per cent of children (according to the weight/age criterion) in different regions, and it is estimated that 20 per cent of children (100,000) were malnourished in 1999.

388. Recent studies show that there is a great concentration of poor food conditions among Indian populations and homeless rural workers (both those in camps and those already resettled) and in the outskirts of large and medium-sized cities. Figures from the 1996 National Population and Health Survey indicate that 10.5 per cent of Brazilian children show a height deficit and that this condition varied widely from region to region, from 5.1 per cent in the south to 17.9 per cent

in the north-east. The weight/age deficit also affects 5.7 per cent of children under 5, with the highest rates occurring in the north (7.7 per cent) and the north-east (8.3 per cent). Despite advances in the last decade, a considerable contingent of the population still showed to be undersized as measured by the weight/age ratio during the critical period between 6 and 23 months of age.

389. Another priority aspect of the food and nutrition issue is related to micronutrient deficiency, particularly vitamin A, iron and iodine deficiency, as recent studies reveal a worrisome picture. According to a Hope Project publication, vitamin A deficiency is an endemic problem in large areas of the north, north-east, and south-east. Despite the difficulties that still exist in obtaining the accurate information needed for reliable diagnosis and evaluation, it is possible to affirm that the north-eastern child population is the most vulnerable to this condition. In the north-east, between 16 and 55 per cent of children have been found to show serious vitamin A deficiency.

390. There are also indications of the occurrence of vitamin A deficiency in poverty pockets in the States of Minas Gerais and São Paulo and in the north. In these areas, more than 15 per cent of the blood samples tested showed that vitamin A was below 20 mcg/dl, indicating endemic deficiency. As regards iron deficiency, it should be noted that anaemia is the biggest nutrition problem in Brazil, affecting particularly women in their fertile period and children under 2. It is estimated that 3 in 10 pregnant women who undergo prenatal examination are anaemic. In children the incidence is much higher: 50 per cent or more children are anaemic.

391. An illustrative case is the State of São Paulo where, despite remarkable progress made in the last 22 years in reducing infant and pre-school mortality and in controlling child malnutrition, child anaemia rose over 100 per cent - 22 per cent in 1974, 35 per cent in 1985, and 46 per cent in 1996. A national survey carried out in 1994-1995 by the former National Food and Nutrition Institute looked at the prevalence of goitre in schoolchildren aged 6-14. Two Brazilian states showed a 20 per cent prevalence median, indicating a moderate endemic situation. In other six states (Acre, Amazonas, Pará, Mato Grosso, Paraná and Espirito Santo), the prevalence median in the municipalities studied varied from 5.0 per cent to 19.9 per cent, indicating a slight endemic situation.

392. Another extremely important element with respect to food and nutrition in Brazil is the persistence of unsatisfactory indicators of exclusive breastfeeding, despite significant progress achieved in the last decades. An Oswaldo Cruz Foundation study that associates breastfeeding with the family economy shows that if all children born in 1995 had been exclusively breastfed up to six months of age, 423.8 litres of milk costing over 200 million dollars might have been saved. If breastfeeding recommendations were followed, there is no doubt that, in addition to incalculable gains in the health, nutrition and well-being of children, family expenditures would be significantly lower.

393. Side by side with this deficiency picture in Brazil, an epidemic of obesity or other types of lipaemia and related cardiovascular diseases has been detected. This is an unprecedented epidemiological situation. According to a 1996 report issued jointly by the Inter-American Development Bank and the World Health Organization, there has been an increase in obesity and

chronic diseases associated with food intake, particularly in lower socio-economic groups, which account for 50 per cent of this increase among adults. Obesity in the Brazilian population is becoming considerably more common than child malnutrition, pointing to an epidemiological transition process which is being accorded due attention by public health authorities. Cardiovascular diseases are the major cause of death and incapacity among adults and the elderly and account for 34 per cent of deaths in Brazil. To a large extent, these diseases are associated with obesity and with improper eating habits and lifestyles. An anthropometric study of Brazilian adults carried out by the National Health and Nutrition Survey-PNSN in 1989 and published in 1990 showed that about 24.6 per cent were overweight and 8.3 per cent were obese. The problem has begun to be detected in children and adolescents also. Moreover, the results of a 1990 Multicentre Study on the Prevalence of Diabetes Mellitus, sponsored by the Ministry of Health, showed that 7.6 per cent of cases occur in the 30-69 age group. These results are consistent with those obtained in the State of Pernambuco in 1998. It is estimated that there are 5 million diabetics in Brazil, 50 per cent of whom are unaware of their condition.

394. Adding to these problems, inadequate eating habits also pose a serious challenge. In the different regions of the country, popular culture holds onto food and eating traditions whose nutrition, therapeutic properties, and requirements and taboos of foods or food combinations can be of dubious value.

395. It should be added that there is a proliferation of fast food establishments, which may be conducive to less than healthy habits, and an increasing use of pre-cooked or fast-cooking food whose nutritional quality may be compromised if modern production techniques are not used. Another factor that influences eating habits is the significant volume of daily meals served to different segments of the population. For example, 36 million meals are served daily in schools, 300,000 in the armed forces and 10 million to workers covered by the Workers Food Program-PAT.

396. Through massive advertising, the food industry and trade induce consumers to adopt new habits, often based on false or deceitful claims. A striking example of this is the premature stopping of breastfeeding over the last 40 years, owing to women's new behaviour patterns and the advertising of industrialized infant food. With respect to food processing, which is subject to sanitary inspection, it is important to take into account the quantity of food products and industries currently in existence. In Brazil there are about 100,000 licensed products and 20,000 registered food companies. Another consideration is the growing influx of imported foods, which requires greater attention from health inspectors. In the Brazilian view, the role of food health inspection is to protect the health of the population from risks stemming from the consumption of irregular food products. The National Sanitary Vigilance Agency is responsible for monitoring compliance with technical norms and legislation applicable to food. It operates by in loco checking of hygienic and sanitary practices adopted by establishments that produce or sell foodstuffs. It is also charged with adopting the pertinent measures in case of irregularities, to ensure that food products offered for consumption are in satisfactory condition. Basically, these norms refer to "sound manufacturing practices" and to food product identification and quality standards, compliance with which is essential for guaranteeing quality.

397. Nutrition in Brazil shows marked regional differences. The Human Development Report 1997 highlights the reduction of poverty in the country. The extent and pattern of poverty vary internally, as the Human Poverty Index-HPI varies significantly from region to region. In northern urban areas, as demonstrated by past and recent trends, the decline in poverty is less than in the rest of the country. In 1996, the highest rates of negative growth in the urban population were to be found in the north and no longer in the north-east. This shows that the food and nutrition picture is quite complex in Brazil, a country with quite heterogeneous epidemiological and regional characteristics, where problems typical of underdeveloped societies occur simultaneously with problems typical of developed countries.

398. With respect to possibly significant differences between the situation of men and that of women, as indicated by the Committee, the Brazilian Government points out that differences based on gender do indeed occur but everything seems to indicate that they have little significance and are insufficient to establish a clear pattern. The incidence of adult malnutrition in Brazil is low, occurring basically in areas of extreme poverty. The highest incidence of malnutrition in its acute form (i.e. not chronic malnutrition) is among children; in this case, there is no breakdown of the statistics by gender.

399. The Brazilian Government has sought to adopt policies for gradually ensuring food sufficiency. It has a National Food and Nutrition Policy, whose major lineaments are: guarantee of food safety and quality; monitoring of the food and nutrition situation; promotion of healthy eating habits and lifestyles; prevention and control of nutritional disorders; promotion of lines of investigation; and development and training of human resources.

400. To guarantee food safety and quality, health inspection actions are being reinforced and joint actions by consumer protection agencies and civil society organizations concerned with this issue are being encouraged. The purpose is to disseminate relevant information on the quality and safety of food products, thereby facilitating access to the mechanisms charged with guaranteeing these rights.

401. Moreover, the national food health legislation is being updated, taking into account the advances in biotechnology - transgenic and other processes - and health inspection criteria and procedures are being harmonized in accordance with legal instruments and international agreements. In Mercosur, for instance, adjustments are to be made as required by the trade in processed or natural foodstuffs.

402. In monitoring the food and nutritional situation, the Food and Nutritional Vigilance System-SISVAN plays an important role. This system is to be expanded and improved by more expeditious procedures and countrywide coverage. Its consolidation is to be accomplished especially through the support of the work nuclei that exist in nearly all states and in hundreds of municipalities. One of the priority measures to this end will be the setting up of watch posts to monitor the epidemiological development of problems and their links to risk markers. These posts are to be set up primarily in high-risk areas and next to high-risk populations. Above all, they should be related to hard-to-measure occurrences, such as vitamin A and iodine deficiency.

403. While monitoring the food and nutritional situation, SISVAN will focus attention on pregnant women and on children's growth and development. It will serve as a fulcrum for all the work performed in the services network, particularly in the area of basic health care, to whose universal coverage it is committed. The routines of providing care to and monitoring the nutritional situation of each beneficiary should be incorporated into the services network for the purpose of detecting risk situations, prescribing preventive actions, and ensuring reversal to a normal situation.

404. Another government priority now is the mapping of endemic insufficiencies to identify their geographical distribution and the extent of energetic and proteinacious malnutrition, anaemia, and vitamin A and iodine deficiency. With respect to the monitoring of non-transmissible chronic diseases associated with food intake and lifestyles considered inadequate, the work will be consistent with the systems in operation as regards the gathering, generation, flow, processing and analysis of data.

405. More specifically, the information systems will focus on aspects associated with breastfeeding and on negative and positive factors, as well as on the periodical evaluation of the nutritional condition of pupils attending public schools. Other basic elements of this guideline will be the monitoring of food production and a critical assessment of the qualitative and quantitative development of supply and consumption.

406. The promotion of healthy eating habits, starting with breastfeeding, will concur with the encouragement of healthy lifestyles, another major factor in promoting health. In this connection, emphasis is being placed on wide dissemination of knowledge about food and eating as well as on the prevention of nutritional problems, from malnutrition - including specific deficiencies - to obesity.

407. A review of methods and strategies, particularly in the health sector, is a basic, initial measure to ensure that encouragement of breastfeeding is indeed a priority. To this end, coordination with the different segments of society will be pursued, particularly with those with greater capacity to have a bearing on the practice of breastfeeding. These would include representative organizations of the various health professional categories, the food and nutrition industry, social communicators and educators, community leaders, consumer protection organizations and civil society organizations in general.

408. Also important is the adoption of measures aimed at disciplining the advertising of food products for children, particularly in partnership with representative organizations of the advertising world and with communications enterprises. Moreover, institutional programmes will be backed, in accordance with previously defined criteria, as, for example, the "child-Friendly hospital" and the human milk banks. Movements sponsored by non-governmental organizations aimed at encouraging breastfeeding will also be backed.

409. As regards legislation, there will be reinforcement, dissemination and expansion of those provisions that ensure that mothers will be accorded basic conditions for breastfeeding their children - such as work schedule and location compatible with breastfeeding. A crucial source

of reference for the adoption of all these measures will be the various national and international codes, regulations and norms related to the industrial production, marketing and advertising of foods for child consumption. In addition, initiatives will be implemented to allow the monitoring of marketing practices that are harmful, abusive, or questionable from the standpoint of the criteria and interests of a truly healthy life. In this connection, attention will be focused on issues having to do with overweight and its implications.

410. The development and training of human resources are factors that will influence the necessary definitions under the health policy expounded in the preceding paragraphs. The objective is to ensure that the health sector will have the required personnel - both quantitatively and qualitatively - to be provided in a timely manner by the three levels of government.

411. The Government has set six priority food and nutrition targets for 2000 and indicated their relevance as a field for action by governments and society. These targets are: reduction by at least 10 per cent of the incidence of low birth weight; a 50 per cent reduction in the occurrence of moderate and serious child malnutrition; a one-third reduction in the occurrence of anaemia in pregnant women; the control of disorders caused by iodine deficiency; the control of vitamin A deficiency as a public health problem; and the provision of conditions so that mothers may nourish their children until they are six months old exclusively by breastfeeding them and continue nurse them during a two-year transitional period.

412. This is the context in which measures are being adopted in Brazil to disseminate basic knowledge about food. Among these measures, it is worth underlining those related to education, campaigns in public health centres, and the use of radio and television. Eating based on incorrect principles is associated with the population's low educational level, but it is also affected by cultural factors and the pressure of the marketing campaigns of the big food industries.

413. At this point of the report, the Committee asks States parties to address the agrarian reform issue, focusing on the following aspects: promulgation of legislation, enforcement of current legislation, and monitoring of enforcement. Before describing in as much detail as possible the agrarian reform process under way in Brazil, the Brazilian Government would like to point out to the Committee that agrarian reform in our country has historical and social aspects showing serious distortions that have become crystallized and which governmental action is seeking to redress. Internal debate on this issue is intense, given the just expectations of broad sectors of society that aspire to better living standards. In this debate, however, it is necessary to keep in perspective the evolution of the Brazilian land tenure structure so as to ensure greater equity and social justice.

414. The Brazilian rural sector has entered a new era, thanks to the formulation of public policies specifically oriented towards family farming that reinforce the development profile of Brazilian agriculture, which is now more democratic in the provision of job and earning opportunities, as well as more efficient with respect to the use and conservation of natural resources.

415. Greater coordination of agrarian reform and family farming actions is the core of the new agricultural policy oriented towards production, productivity and investment in technology, but above all centred on man and on his advancement as citizen. The creation of the Agrarian Development Ministry was the Federal Government's response to the need to improve the public sector's performance in managing this new agricultural policy, which should contribute substantially to the emergence of a new rural world.

416. All these initiatives are subject to the general orientation of rural development initiatives the planning and implementation of which should seek the participation and involvement of states, municipalities and civil society. Moreover, these groups should act in a decentralized manner through councils representative of the players involved. In this manner it will be possible to increase the quantity and improve the quality of agrarian reform and family farming policies.

417. The figures hereunder clearly show the progress toward achieving settlement and family-farming financing targets. For this reason, and so that future measures may be bolder, it is necessary that the effort to achieve national targets be shared by the states, municipalities and other interested entities, particularly those representing the programmes' direct beneficiaries.

418. From 1 January-20 December 1999, 85,327 rural-producer families were settled, bringing to 372,866 the number of families that benefited from agrarian reform during President Fernando Henrique Cardoso's administration. This is a record, as in the 30 years that followed the promulgation of the Land Statute in 1964, only 218,000 families had been settled. The comparative table below reflects these developments.

Table 47

Families settled on the land, 1995-1999

Year	Settled families
1995	42 827
1996	61 674
1997	81 944
1998	101 094
1999	85 327
Total	372 866*

* This figure represents about 1,864,000 persons settled.

419. From 1 January to 20 December 1999, the Government launched 2,723 settlement projects, as shown in the table below.

Table 48

Settlement projects 1995-1999

Year	1995	1996	1997	1998	1999	Total
Projects launched	314	433	637	850	489	2 723

420. From the entry into force of the Land Statute in 1964 to the inauguration of President Cardoso on 1 January 1995, no more than 800 settlement projects, antecessors of current ones, had been implemented.

421. From 1 January 1995 to 20 December 1999, 13,204,789 hectares of land were secured for agrarian reform. Expropriation is the Government's principal means of securing land for settling rural producers. From 1 January 1995 to 17 December 1999, 8,785,114 hectares were expropriated, of which 1,463,844 hectares were expropriated between 1 January and 17 December 1999.

422. From land donated by the Federation, 355,432 hectares were obtained between 1 January and 20 December 1999.

Table 49

Hectares expropriated 1985-1999

Year	Expropriated hectares
1985/89	4 191 147
1990/93	2 775 282
1993/94	1 086 546
1995/98	7 321 270
1999	1 463 844
1995/99	8 785 114

423. Land tenure monitoring studies carried out by the National Settlement and Agrarian Reform Institute-INCRA show that the total cost of rural property per family, in current values, was Cr$ 19,412.74 in 1995. Today, the cost has dropped to Cr$ 8,294.83, a 50 per cent reduction. In 1995 the average cost of a hectare was Cr$ 382.67 as compared with Cr$ 264.75 today.

424. The two comparative tables below show the total value of rural property per family and the total value of rural property per hectare, respectively, in the period 1995-1999.

Table 50

Total value of rural property

A. Per family

Year	Cr$/family
1995	19 412.74
1996	16 385.04
1997	14 614.59
1998	10 116.34
1999	8 294.83

B. Per hectare

Year	Cr$/ha
1995	382.67
1996	343.21
1997	292.23
1998	287.49
1999	264.75

425. The agronomic grade (which measures soil quality and varies from 0 to 1) of land expropriated for agrarian reform has risen from 0.4 per cent in 1998 to 0.5 per cent in 1999.

426. From 1995 to 1998 funds totalling Cr$ 301,767,447 were spent on basic infrastructure in agrarian reform settlements. By December 1999, funds totalling Cr$ 150.6 billion will have been spent in infrastructure. From January to 20 December 1999, in addition to other undertakings, 3,382 kilometres of roads were built, at a cost of Cr$ 25.5 million; 1,073 kilometres of rural electrification lines were laid, at a cost of Cr$ 1.7 million; 204 wells were dug, at a cost of Cr$ 4.2 million; 19 water supply units were installed, at a cost of Cr$ 216,500; and 79 reservoirs were built.

427. Other investments in infrastructure for the period 1995-1999 are given below.

Activity	Cost (Cr$)
736 reservoirs	14 762 309
1 283 wells	28 025 962
75 633 doubling of lot size	45 751 600
458 community centres	11 988 324
9,475 km of rural electrification	70 911 326
323 schools	12 626 332
366 health centres	7 337 827
108 warehouses	4 148 745
13,824 km of roads	106 251 022

428. In 1999, Cr$ 150.6 million were invested in infrastructure.

429. From 1995 to 1999, Cr$ 1,520,000 were channelled to start-up credits and to the Special Agrarian Reform Credit Programme-Procera. By 30 December 1999, Line A of Pronaf Planta Brasil, which serves rural producers under the agrarian reform, was to have extended loans totalling Cr$ 460 million.

Table 51

Credits extended under agrarian reform (Cr$), 1995-1999

Year	Implemented	Procera	Pronaf Line A	Total
1995	47 794 707	108 973 651	-	156 768 358
1996	71 337 968	202 563 910	-	273 901 878
1997	151 242 100	204 214 542	-	355 456 642
1998	231 600 040	307 617 293	-	539 217 333
1999	195 000 000	-	460 000 000	665 000 000
Total	696 974 815	823 369 396	460 000 000	1 325 344 221

430. The purpose of the National Agrarian Reform Educational Programme launched in April of last year is to strengthen education in agrarian reform settlements by using specific methods appropriate for the rural setting. This programme is the fruit of a partnership between Government, universities and rural social movements for starting up a broad process of education of young people and adults in agrarian reform settlements. INCRA, the Ministry of Education and the Ministry of Labour are joining other important partners, including Churches, non-governmental organizations and producers' associations and cooperatives, to implement the programme.

431. The system trains monitors for the settlements at universities and other higher education institutions to teach reading and school subjects to young people and adults benefiting from agrarian reform. Since the launching of this programme, 3,137 monitors have been trained and are now working in settlements throughout the country.

432. Despite the programme's short life, figures are impressive: today, 62,742 young people and adults are being taught reading and school subjects under 1,421 settlement projects in 616 municipalities in 21 Brazilian states. So far, Cr$ 11,408,536 have been spent on educating those settled through agrarian reform and on opening new horizons for them.

433. The National Agrarian Reform Literacy Programme also funds technical and professional training of those settled, focusing on rural production and management and on the production of teaching materials in all the priority areas identified on the basis of discussions about the programme.

434. The Ministry of Agrarian Development and INCRA have concentrated efforts on legal battles against excessive indemnification for expropriated lands for agrarian reform. All cases in which appraisals exceed those done by INCRA are contested on the basis of Medida Provisoria (Executive Provisional Measure) MP 1901, which, since 1997, has introduced provisions in the legislation to prevent such distortions.

435. The work of INCRA attorneys, whether through actions to prosecute or appeal expropriation cases, has resulted, for example, in reducing a government debt of Cr$ 415.9 million in precatorios (payments owed by the Government for labour suits it has lost) to Cr$ 260.4 million in 1997. The following year, this figure dropped to Cr$ 55.7 million.

436. A recent excessive indemnification was decided by the Federal Regional Court of São Paulo's Third Region, which finally accepted the arguments of INCRA attorneys in a rescissory case brought against the former owners of the Fazendas Reunidas property located in the Promissão municipality, which had been expropriated for agrarian reform purposes. The former owners went to court to raise the amount of expropriation from INCRA's original Cr$ 25,811,260 assessment to Cr$ 385,502,876, close to Cr$ 1 billion in today's values. In response to INCRA's claims, the São Paulo Court ordered a new assessment of the property. There are dozens of similar cases. If uncorrected, these distortions may irretrievably compromise the agrarian reform programme.

437. Another programme that should be mentioned is Nossa Terra, Nossa Escola (Our Land, Our School). MP 1901 also regulated this programme that offers incentives to rural worker families for keeping their children in school. Families are given a 50 per cent discount on the outstanding balance of the debt they owe on their property, provided their children stay in school. This benefit is accorded to families with children aged 7-14 attending elementary school. The 50 per cent discount applies to each payment made during the entire period one or more child stays in school. When the children complete elementary school, the 50 per cent discount will apply to the outstanding balance of the property debt. If a settled family has no children but has illiterate adults, the same discount will be accorded if these adults attend regular literacy courses.

438. One extremely important aspect of the Government's effort to modify the Brazilian agrarian structure is the granting of title to the land. The delivery of 10,000 land titles in 1999 instilled a feeling of security in families settled by INCRA. The granting of land title is part of the New Agrarian Reform Programme designed to restore settlers' rights as citizens and to ensure easier access to bank loans.

439. The Brazilian Mail and Telegraph Enterprise-ECT is responsible for delivering land titles to settlers. In addition, payment of the yearly fee may be made by settlers at any post office.

440. ECT was chosen to render this service because of the number of offices it has and because these offices are closer to settlers, not to mention the efficient work it performs. In the four years of the current Administration, this benefit will have been accorded to about 400,000 families settled on nearly 20 million hectares, an area equivalent to three times the State of Rio de Janeiro.

441. Border areas are regulated by Law No. 9871 of 23 November 1999. This law sets the deadline and the rules for the ratification or annulment of land grants by the states in border areas. One provision allows this ratification - which used to be granted only to small properties - to be extended to medium-size properties in the centre-west, north and south. The law provides further that even without a definitive ratification, producers may put up their property as collateral for loans needed for production until such time as the courts hand down a final decision.

442. The Casulo (Cocoon) project is an INCRA decentralized settlement model implemented in partnership with municipalities to exploit animal husbandry, which creates jobs and generates income as well as increasing food supply on the regional market. The municipality takes the initiative to join the Casulo project. It identifies the demand and indicates potential beneficiaries and the area to be used, in addition to seeking partnerships to ensure technical assistance and training for the settled families. The municipality is also the guarantor of the loans extended under the Casulo project. The project grants loans to cover food, development, support, construction materials and housing expenses, so as to ensure the consolidation and sustainability of settlements. Currently, there are 32 Casulo projects under way, benefiting 1,304 families, mostly in the north and the north-east.

443. The project provides start-up loans of CrS 1,400 and home-building loans of CrS 2,500 per family. Each family is also eligible for credit of up to CrS 9,500 from the Pronaf Planta Brasil programme.

444. The provision of technical assistance and training to settled families is crucial to ensure the consolidation and sustainability of INCRA settlement projects. The Lumiar project was designed to fill these needs. It provides guidance to settled farming families on the laying in and development of crops and pasturage, warehousing and marketing, animal husbandry and the introduction of new technologies, as well as encouraging settlers to organize themselves. Currently the Lumiar project maintains 1,400 specialists in the field to provide technical assistance to 117 families in the various regions of the country. Investments total CrS 2 million each month. Participants in the Lumiar project are: INCRA, organizations of settled farmers, public and private enterprises, cooperatives that provide technical assistance, universities, research institutes, official banks, state governments, municipalities and non-governmental organizations.

445. The project also maintains field teams of specialists in various areas (agronomists, veterinarians, economists, sociologists, agricultural experts, forest engineers, psychologists, administrators and so forth). These are hired by settlers' organizations and paid with funds from the project to provide technical assistance and training. The number of specialists in each team varies according to the number of families to be assisted, the distance between settlements, etc.

446. The project's main objective is the development of settled families, the consolidation of settlement projects, and their incorporation into the municipality or region as competitive production units that create jobs and generate income. Under the Lumiar project, families learn about associations, cooperatives and other forms of organization, as they become aware of their rights and duties.

447. In March 1999, the Government established the National Agrarian Magistrate's Office, whose main task is to prevent and reduce agrarian conflicts. It works in association with both governmental and non-governmental agencies, including the judiciary, the Public Attorney's Office, public security secretariats and the Brazilian Bar Association-OAB, among others. Since its establishment, the National Agrarian Magistrate's Office has set up offices in the States of Acre, Rondônia, Roraima, Minas Gerais and Mato Grosso do Sul.

448. The number of rural property invasions by landless workers has declined noticeably this year. In January, 50 invasions were recorded; in February, 41; in March invasions surged to 101; in April, the number dropped to 66; in May, there were 34; in June, 26; in July, 32; in August, 30; in September, 26; in October, 28; and in November, 30.

449. The environment is another government concern in the context of agrarian reform. The Ministry of Agrarian Development implements measures aimed at the preservation of the environment and at raising the ecological awareness of agrarian reform beneficiaries, as these are crucial elements for the success of all projects. The Ministry has issued a directive prohibiting expropriation, acquisition and any form of obtaining possession of rural lands covered by primary forests occurring in the ecosystems of the Amazon and the Atlantic forests, the Mato Grosso wetlands, and other environmental preservation areas.

450. In 1999, INCRA held 40 environmental training courses taken by 1,600 multipliers throughout the country. These are specialists and community leaders who will disseminate knowledge among the settled families.

451. To expedite the processing of environmental permits, each of INCRA's 28 regional offices has an environmental manager. In addition, 13 environment administrators were trained and now act as multipliers in the cities of Recife, Fortaleza, Manaus, Vitoria, and the Federal District and the State of Alagoas.

452. In compliance with the Ministry of Agrarian Development's environmental agenda, cooperating agents are being trained as assistant environmental inspectors, entrusted with drawing up occurrence reports to be submitted to the inspectors of the Brazilian Institute for the Environment and Renewable Natural Resources-IBAMA.

453. The Land Bank is another important instrument created for fostering family farming. This bank provides the major means of acquiring land for agrarian reform. The Land Bank makes possible the creation of new settlements through the incorporation of new areas, including areas that cannot be obtained through expropriation. Today the Land Bank supplements expropriation based on social interest, which is the major means for obtaining land for agrarian reform. In 1999, the Land Bank benefited 10,000 families by granting Cr$ 115 million to the States of Bahia, Ceara, Goias, Maranhao, Minas Gerais, Paraná, Pernambuco, Rio Grande do Sul and Santa Catarina.

454. The Land Bank was established by complementary legislation to extend financing directly to the beneficiary for purchasing a selected rural property and providing it with the infrastructure needed for its proper operation. The Bank is now recognized as a new and powerful land distribution instrument that contributes to sustainable economic development in the rural area.

455. This programme is aimed at rural workers, sharecroppers, homesteaders and renters who can prove that they have at least five years of farming experience or are owners of small rural property of insufficient size to produce more than is needed for family consumption.

456. The Land Bank is coordinated by the Executive Secretariat of a Board of Trustees consisting of eight authorities: the Ministers of Agriculture, Finance, Environment, Budget, Management, and Development, and the Presidents of INCRA and the National Economic and Social Development Bank-BNDES. The Board is chaired by the Minister of Land Policy and Agrarian Development.

457. Land Bank operations are decentralized through a system of partnerships. The Bank enters agreements with state governments, which select an agency to coordinate the use of the funds.

458. Under the programme's regulations, loans granted out of Land Bank funds are to be repaid in 20 years, with a three-year grace period. Interest varies from 4 to 6 per cent a year.

459. The workers themselves choose rural properties to be financed by the Land Bank and are provided the funds for ensuring the basic structure needed by the communities. In addition to property and infrastructure, the loan covers land office fees, registration expenses and topographic services.

460. Those who have already been assisted by the Land Bank or who have participated in other settlement projects are not eligible. Also ineligible are those who exercise a public function or have an income higher than Cr$ 15,000 or own property with an area equal to or larger than the envisaged family property.

461. Yearly interest is 4 per cent on loans of up to Cr$ 15,000, 5 per cent on loans from Cr$ 15,000 to Cr$ 30,000 and 6 per cent on loans from Cr$ 30,000 to Cr$ 40,000, which is the ceiling for Land Bank loans. In poorer areas, rural workers will have a 50 per cent discount on interest, in intermediate areas, a 30 per cent discount and in other areas, a 10 per cent discount.

462. The embryo of the Land Bank was the Land Title Project sponsored by the World Bank that was implemented in the States of Bahia, Ceara, Minas Gerais and Pernambuco, benefiting 15,000 families. According to academic studies, the Land Title Project had the virtue of reducing the average hectare price by 6.2 per cent in Maranhao, 66 per cent in Ceara, 14 per cent in Pernambuco, 43 per cent in Bahia and 49 per cent in Minas Gerais. This, according to analysts, was due to the direct negotiating power and to sight payments.

463. The National Rural Development Council is an important element in the agrarian reform process. Set up by the President of the Republic on 6 October 1999, it is chaired by the Minister of Agrarian Development and consists of representatives of the federal, state and municipal governments and of civil society. Its task is to decide on the National Rural Development Plan that will set the guidelines, objectives and targets for the National Agrarian Reform Programme and the National Programme for the Strengthening of Family Farming-PRONAF.

464. This Council will also formulate and coordinate public policies for the rural area and work in coordination with the state Rural Development Councils that are being gradually set up throughout the country. In turn, these state councils will work in coordination with municipal councils. The economic viability of farming on small properties is the top priority to be jointly pursued. Discussions are broadened through the participation of representatives of states and municipalities, rural workers, those settled under the agrarian reform programme, and small rural producers' cooperatives.

465. In 1999, the agrarian reform target of settling 85,000 families was achieved. If we add those that were settled during 1995-1998, we see that the Federal Government has achieved the significant mark of 372,000 settled families. But since 1999, the pursuit of higher targets for obtaining land for agrarian reform has included concern for the quality of settlements. As a result, expenditures connected with establishing settlements have been higher as compared with the cost of procuring land. Beneficiaries may now have their lands demarcated faster, will not have to wait long to obtain housing and production loans, and will be able to expedite the laying down of the productive infrastructure on their land and start deriving farming income sooner.

466. In 1999, PRONAF was transferred to the Ministry of Agrarian Reform. With this transfer, PRONAF's Planta Brasil programme was further strengthened and brought closer to farming families who benefited from the National Agrarian Reform Programme, as well as expanding benefits and coordinating public policies oriented towards the rural sector.

467. PRONAF's target for the next harvest is to assist 1.2 million participants by granting a total of Cr$ 3.4 billion in rural financing from resources of the Workers Aid Fund-FAT, appropriations and bank money. There was a 70 per cent increase in the number of loan contracts for the 1998/99 harvest. These figures show the programme's potential. Launched in 1995, results already show that it is meeting the needs of farming families. As it is the most sought, this line of credit gives PRONAF's Planta Brasil programme higher visibility. Its annual performance has exceeded programme targets.

468. Before the securing of Cr$ 3.4 billion to finance the 1999/2000 harvest, funds were increased on a yearly basis to meet the needs of producers.

469. In 1996, PRONAF's Planta Brasil programme offered two lines of credit for costs and investment. For this year's harvest, it offers nine lines of credit: new family farmer, integrated, collective, microcredit, agribusiness, addition, special investment, and investment and cost. The programme operates in 3,792 municipalities. In the first six months of operation, i.e. from July through December, 499,338 loan contracts totalling Cr$ 1.1 billion were signed in the country.

Table 52

Credits from the Planta Brasil programme

A. Funds made available for 1999/2000 (in Cr$ millions)

New family farmer	460
Microcredit/NE	100
Agribusiness	150
Addition	100
Special investment	400
Special cost	500
Investment	700
Cost	1 050
Total	3 460

B. Financing sources (in Cr$ millions)

FAT	2 950
Appropriations	360
Bank money	150
Total	3 460

C. Production financing (rural credit) - types of credit and total funds (in Cr$)

	1995	1996	1997	1998	1999/2000
Type of credit	Cost	Investment Cost	Special cost Investment Cost	Agribusiness Addition Special investment Special cost Investment Cost	New family farmer Integrated collective Microcredit/NE Agribusiness Addition Special investment Special cost Investment Cost
Number of contracts	32 000	332 828	496 550	709 906	491 409
Total Cr$	93 000 000	649 795 000	1 637 440 000	1 814 922 000	1 127 230

470. The characteristics of the Brazilian family farmer, according to a 1999 study, are shown in a brief, schematic manner as follows:

Group A

- New family farmer: settled under the agrarian reform but not financed by Procera or who, although thus financed, has not reached the individual limit.

Group B

- Family farmers, fishermen, craftsman, extractive workers and practitioners of aquiculture;
- Owners, homesteaders, renters, sharecroppers, or agrarian reform beneficiaries;
- Those who live on the property or nearby urban or rural setting;
- Those settled on an area of up to four official modules;
- Those who employ exclusively family labour;
- Those who draw farming and non-farming income of up to Cr$ 1,500 from the property, excluding pension.

Group C

- Family farmers, fishermen, craftsman, extractive workers, practitioners of aquiculture;
- Owners, homesteaders, renters, sharecroppers, or agrarian reform beneficiaries;
- Those who live on the property or nearby urban or rural setting;
- Those settled on an area of up to four official modules;
- Those who employ exclusively family labour;
- Those who draw income of Cr$ 1,500-Cr$ 8,000, provided that at least 80 per cent thereof comes from farming and non-farming exploitation of the property. This limit can be raised to Cr$ 16,000 if income comes from the following operations: poultry, dairy cattle, sheep and pig raising, sericulture, and vegetable growing and aquiculture.

Group D

- Family farmers, fishermen, craftsman, extractive workers, practitioners of aquiculture;

- Owners, homesteaders, renters, sharecroppers, or agrarian reform beneficiaries;

- Those who live on the property or nearby urban or rural setting;

- Those settled on an area of up to four official modules;

- Those who employ family labour and up to two permanent employees;

- Those who draw income of Cr$ 8,000-Cr$ 27,500, provided that 80 per cent thereof comes from the property's farming and non-farming operations. This limit can be raised as long as Cr$ 16,000 comes from the following operations: poultry, dairy cattle, sheep and pig raising, sericulture, and vegetable growing and aquiculture.

471. For an assessment of the magnitude of the training and professionalization effort in connection with agrarian reform, it should be born in mind that since 1993 173,000 family farmers have received training under PRONAF. In the last four years, technical assistance and extension public agencies have received funds to provide courses for farmers as well as technical resources to improve assistance to producers.

Table 53

Farmers trained under PRONAF, 1996-1999

Year	Trained farmers	In Cr$ thousands
1996	*	3 000
1997	47 916	34 662
1998	54 299	41 597
1999	71 600	31 761
Total	173 815	111 003

* In 1996,the launch year, the projects were implemented and 225 specialists were trained.

472. The training programme is not an isolated effort but part of an ensemble of initiatives aimed at supporting family farming and making it viable. For this reason, part of the funds have been used for technical assistance and help in the securing of credit plans.

473. It operates as follows: a farmer must submit to the bank a project demonstrating the viability of his undertaking or his harvest costs. For this he approaches an institution recognized by the financial agent - usually his state's technical assistance and rural extension agency, which prepares his project whose costs are to be covered by PRONAF's Planta Brasil programme.

474. Government's support of family farming also includes funds for research projects. These funds, which totalled Cr$ 5.9 million in 1998 and Cr$ 9.2 million in 1999, are being used in 237 research projects oriented towards the development of family farming.

475. In the State of Mato Grosso, Empaer/MT is investigating the possibility of replacing chemical fertilizers in yellow passionfruit crops. This research project will benefit the Rondonopolis settlement.

476. Rural producers in three cities in the State of Mato Grosso do Sul (São Gabriel do Oeste, Sidrolandia and Itapora) will have access to a comprehensive study undertaken by Empaer/MT on the use of ditch irrigation on small properties.

477. In the State of Pernambuco, the state Agricultural Research Institute-IPA is studying the possibility of cultivating different varieties of taro root in Itaparica and Itambe.

478. To assist settled families in the Mulatos municipality, Tocantins University is studying the raising of three types of fish in the region: tambaqui, pacu, and traira, so as to make fish culture a source of income for settled farmers.

479. Indians are also receiving attention. Twenty-four Indian villages are benefiting from a project in support of productive activities on Indian lands located in the States of Maranhao, Minas Gerais, Mato Grosso do Sul, Pernambuco, Rio de Janeiro, Rondônia, Roraima, Rio Grande do Sul and Santa Catarina. Under the project, 17,565 people in 11 communities receive demonstration units about farming production, thereby establishing the foundations for state technical assistance and rural extension agencies. They receive the funds and are responsible for the project's execution. In these demonstration units, Indians are trained for production and in three years arrive at the final stage, when they can manage their own business.

480. Another important feature relates to segments traditionally excluded from this land distribution process. To include these segments, the programme has reached the Amazon. Amazon dwellers who live from extractive activities are assisted by the Planta Brasil programme, in partnership with the Brazilian Institute for the Environment and Renewable Natural Resources-IBAMA, to improve their income. To assist this population scattered throughout the Amazon forest, Planta Brasil and IBAMA have come up with a "paraforest agent", a technical assistant known and respected by the dwellers, who is paid to canvass the region advising producers. Today, 140 "paraforest agents" are active in northern states, providing technical assistance and imparting information on how to have access to rural credit.

481. The programme finances infrastructure projects that will help family farmers. Projects are selected and overseen by the community acting through its municipal rural development council. Funds come from the National Treasury and do not have to be repaid. Grant agreements are signed by the municipal government with the Federal Savings Bank, the operating agent. Poorer municipalities, included in the Solidary Community Programme, are exempt from the requirement of municipal counterpart funds.

482. PRONAF's Planta Brasil programme operates in 1,018 municipalities, recovering secondary roads, ensuring water and electric power supply, and building central sales posts for farming families' products.

Table 54

Municipalities benefiting from the Planta Brasil programme, 1997-1999

Year	Participating municipalities	In Cr$ thousands
1997	385	36 628
1998	915	136 645
1999	1 018	151 693

483. In 1999, the Ministry of Agrarian Development launched the Partnership and Market programme aimed at achieving family farming sustainability through integration into the local and the international economy. This is based on a decentralized, participatory model of design and management of policies and actions to incorporate these producers into the modern commercial chains, drawing benefit from the comparative advantages of family-based enterprises and with due respect for local potential and historic relations. All family farmers are eligible for this programme, including those coming from the National Agrarian Reform Programme.

484. Under the coordination of the Family Farming Secretariat, the Partnership and Market programme is being implemented in the following stages:

(a) Characterization of local, regional and state agribusiness;

(b) Mapping of the family farming's productive base;

(c) Expansion and improvement of technical assistance services;

(d) Identification of market opportunities;

(e) Study of productive chains;

(f) Mobilization, organization, and technical and managerial training;

(g) Organization of productive chain coordinating structure.

485. The programme's management is participatory and decentralized through partnerships between the Ministry of Agrarian Development and social movements, other federal, state and municipal agencies, non-governmental organizations and private enterprises.

486. To encourage business and partnerships between family farmers and enterprises through associations, cooperatives or businesses, a Family Farming Partner Award was established by the Ministry of Agrarian Development. The objective is to encourage increased productivity, better product quality and higher income from family undertakings, so as to make these sustainable.

487. In a daily exercise in citizenship, the programme approves its initiatives on the basis of community decisions adopted by the municipal rural development councils. PRONAF's Planta Brasil programme encourages participation, cooperation and equal opportunities so that the community plays a protagonist role in local development.

488. It falls on the councils to select and oversee the work to be done by PRONAF's Planta Brasil programme under agreements with municipal governments. The work benefits thousands of families nationwide, as shown by data compiled by the participating municipal governments.

Table 55

Families benefiting from the Planta Brasil programme, by region

Region	Municipalities	Families directly benefiting
North	127	167 610
North-east	394	853 402
Centre-West	97	186 616
South-east	229	269 495
South	171	204 097
Total	1 018	1 681 220

489. With respect to the Brazilian housing sector, it should be noted that the main source of official data is the Brazilian Geographical and Statistical Institute-IBGE. A 10-yearly national census and yearly National Household Sampling Surveys-PNADs supply detailed information on various quantitative and qualitative features of Brazilian households and their members. Also important are the Family Budget Surveys-POF that estimate family expenditures on housing services by income bracket; the Living Standard Survey-PPV, which provides important information on the consumption of housing services, also by income bracket; and the Annual Civil Construction Industry's Survey-PAIC, which describes in some detail the performance of this sector of the economy.

490. It should be noted, though, that IBGE surveys were conducted for a purpose different from that of a housing census, which requires other important data on the population's housing conditions, such as property area, age, conservation and location, among others.

491. Estimates of the Brazilian housing deficit have been the subject of polemics among various institutions and segments of society. They vary from 5.6 million to 15.4 million housing units and the difference in the estimates can be explained by the methods and parameters used.

492. Official government data on the housing deficit are included in a 1995 study by the João Pinheiro Foundation, based on data from the 1991 National Census and the National Housing Sampling Survey updated to 1995. Once again the Brazilian Government anticipates that the 10-yearly national census now under way may introduce new variables and thus modify various important aspects in the consideration of the housing issue in Brazil.

493. The 1995 study worked with two concepts of housing deficit: a quantitative and a qualitative deficit. The quantitative housing deficit measures the need for the construction of

new housing units and is calculated as the sum of improvised housing units, i.e. units built for purposes other than housing, plus rustic permanent housing units, i.e. built with inadequate materials, plus shared housing units, i.e. housing units shared by two or more families. The qualitative housing deficit refers to those dwellings whose standards qualify them as inadequate housing. The study considers three basic kinds of inadequacy: (i) excessive rent burden; (ii) excessive density; and (iii) absence of or inadequate infrastructure. It should be noted that the qualitative deficit categories cannot be added up because of the risk of double counting, as a given dwelling may present more than one inadequate feature. Moreover, computing the quantitative deficit together with some qualitative deficit categories is not recommended; although there is no risk of double counting, they have different policy implications. The table below shows 1991 data relative to the quantitative housing deficit according to category and condition of housing units.

Table 56

Breakdown of the housing deficit by location of household in 1991

Type of deficit	Metropolitan area	Other urban areas	Rural	Total
Improvised housing	33 358	58 677	54 500	146 535
Precarious housing	230 178	434 337	1 063 330	1 727 845
Families living together	979 779	1 621 256	527 943	3 128 978
Total	1 243 315	2 114 268	1 630 788	4 988 371

Source: João Pinheiro Foundation, 1995.

494. It can be observed that while the bulk of the housing deficit in urban areas is due to family-shared housing, the housing deficit in rural areas is due to the precariousness of dwellings. The table below shows that the problem of family-shared housing is more serious in metropolitan areas. The urban housing deficit is strongly associated with the level of family income and affects primarily lower income brackets. Approximately 85 per cent of the Brazilian housing deficit is concentrated in the population segments whose monthly income is less than five minimum salaries.

Table 57

Breakdown of the urban housing deficit by income bracket in 1991 (%)

Deficit category	Up to two minimum salaries (1)	Two to five minimum salaries (2)	Up to five minimum salaries (1+2)	More than five minimum salaries
Family-shared housing	42.9	21.4	64.3	13.1
Other categories	12.5	7.8	20.3	2.6
Total	55.4	29.2	84.6	15.7

Source: João Pinheiro Foundation, 1995.

495. As regards the regional distribution of the housing deficit, it can be observed that it is concentrated in the north-east and south-east, which account for 44.7 per cent and 33.28 per cent of the total housing deficit, respectively.

Table 58

Housing deficit by major regions in 1991

Region	Housing units		Family-shared housing	Grand total				%
	Improvised	Rustic		Metropolitan areas	Other urban areas	Rural	Total	
North	23 696	17 823	196 281	67 042	15 5771	-	222 813	4.47
North-east	32 467	1 268 434	929 033	313 432	767 400	1 148 991	2 229 823	44 70
South-east	46 502	271 638	1 342 131	752 925	690 301	217 045	1 660 271	33.28
South	23 233	79 497	408 286	109 916	243 549	157 823	511 288	10.25
Centre-West	20 637	90 536	252 977	-	2572 47	106 929	364 176	7.30
Brazil	146 535	1 727 845	3 128 978	1 243 315	2 114 268	1 630 788	4 988 371	100.00

Source: João Pinheiro Foundation, 1995.

496. Finally, it should be noted that the official data on the Brazilian housing deficit are not the 1991 data but the 1991 data updated to 1994, as shown in the table below, which indicate an overall housing deficit of about 5.6 million new housing units, concentrated principally in urban areas.

Table 59

Official data on the Brazilian housing deficit in 1995

Rural areas	Metropolitan areas	Other urban areas	Total urban deficit	Total housing deficit
1 645 791	1 431 558	2 541 214	3 972 772	5 618 563

Source: João Pinheiro Foundation, 1995.

497. A breakdown taking into account the indicators of housing production and civil construction in general will preliminarily show that the IBGE indicators demonstrate that the stock of permanent urban housing units has risen by 5.6 million units from 1991 to 1997.

498. Historically, most residential buildings in Brazil were built without recourse to official financing systems but nearly always with family savings. According to Special Secretariat for Urban Development (SEDU), the Housing Financing System-SFH built 5.6 million housing units in 30 years. Although significant, this is a small number if compared with the 31.5 million permanent urban housing units built in the country in the same period. In the last decade, the

Housing Financing System-SFH financed an average of 134,000 units per year, a significant, but not significant enough, number when compared with the country's average yearly production of 1 million new housing units in 1991-1996.

499. IBGE data show that the number of permanent private homes rose by 15,433,984 in 1980-1997, an increase due essentially to the larger number of urban homes (15,209,391).

Table 60

Permanent private homes by location, 1980-1997

Location	1980*	1991*	1996*	1997**
Total	25 210 639	34 734 715	39 745 768	40 644623
Urban	17 770 981	27 157 268	32 227 158	32 980 372
Rural	7 439 658	7 577 447	7 518 610	7 664 251

Source: * IBGE - 1997 Yearly Statistics.

** IBGE - 1998 Social Indicators Summary.

500. The housing indicators are a good measure of the population's quality of life. The indicator of crowding by housing unit has declined over the last decades, reflecting a reduction in the average family size as well as the increase in the number of single-occupant housing units. In 1997 the overall average housing unit density was 3.8 people while density per bedroom was 1.9. It should be noted that these indicators are higher in rural areas, reflecting the larger size of families.

Table 61

Average number of people per household by major regions, 1991

Major regions	Urban	Rural
Brazil	4.06	4.69
North	4.92	5.26
North-east	4.53	4.97
South-east	3.88	4.41
South	3.75	4.18
Centre-west	4.13	4.17

Source: IBGE - 1991 Demographic Census.

Table 62

Average number of people by household and by bedroom, 1997

Location	Total No. of households	Total No. of people	Average No. of people per household			Average No. of people per bedroom		
			Total	Urban	Rural	Total	Urban	Rural
Brazil	40 644 623	155 881 331	3.8	3.8	4.1	1.9	1.9	2.1
North	1 625 591	7 345 161	4.5	4.5	-	2.2	2.2	-
North-east	10 762 430	45 378 328	4.2	4.1	4.4	2.0	2.0	2.3
South-east	18 603 231	68 182 339	3.7	3.6	4.0	1.9	1.9	2.0
South	6 704 609	23 901 925	3.6	3.5	3.8	1.8	1.8	1.9
Centre-west	2 883 800	10 790 899	3.7	3.8	3.6	1.9	1.9	2.0

Source: IBGE - 1998 Social Indicators Summary (based on the 1997 PNAD).

501. The period 1980-1997 saw a rising tendency towards home ownership and a relative decline in rented and borrowed property, as shown in the table below.

Table 63

Permanent private homes by type of ownership, 1980-1997

Property status	1980*	1991*	1996**	1997***
Own	15 546 151	24 261 954	29 260 733	29 969 039
Rented	5 682 173	5 689 170	5 407 991	5 561 748
Borrowed	3 572 004	4 546 025	4 888 506	4 929 006
Other	373 842	237 566	188 293	184 264
Undeclared	36 469	-	245	566
Total	25 210 639	34 734 715	39 745 523	40 644 623

Source: * IBGE - 1998 Yearly Statistics.

** IBGE - 1996 PNAD Indicators Summary 1996.

*** Preliminary computation by IPEA/DIRUR based on the 1997 PNAD.

Table 64

Permanent private homes by type of ownership, 1980-1997 (%)

Property status	1980*	1991*	1996**	1997***
Own	61.67	69.85	73.62	73.73
Rented	22.54	16.38	13.61	13.68
Loaned	14.17	13.09	12.30	12.13
Other	1.48	0.68	0.47	0.45
Undeclared	0.14	-	0.00	0.00
Total	100.00	100.00	100.00	100.00

Source: * IBGE - 1998 Yearly Statistics.

** IBGE - 1996 PNAD Indicators Summary 1996.

*** Preliminary computation by IPEA/DIRUR based on the 1997 PNAD.

502. Since the 1970s there has been a noticeable improvement in the indicators of sanitation services coverage, particularly as regards water supply services.

Table 65

Evolution of the indicators of basic sanitation coverage in Brazil, 1970-1996 (%)

Indicators	1970*	1980*	1991*	1995*	1996**
Water (distribution system)					
Urban homes	60.5	79.0	86.3	90.4	92.0
Rural homes	2.6	5.0	9.3	16.7	15.7
Sewer (sewerage and septic tank)					
Urban homes	47.4	60.0	63.6	70.9	74.2
Rural homes	3.7	8.6	7.4	13.8	18.2

Source: * MPO/SEPURB - National Sanitation Policy.

** IBGE - 1996 PNAD Indicators Summary.

Table 66

Urban homes by type of water supply, 1997

Major regions	Total No. of homes	Water supply (%)				
		With inside plumbing		Without inside plumbing		Other
		General system	Well or spring	General system	Well or spring	
Brazil	32 980 372	87.4	4.1	3.8	2.2	2.3
North	1 625 591	57.4	13.0	12.2	12.0	5.2
North-east	7 014 197	77.1	1.9	8.4	3.9	8.6
South-east	16 684 919	94.0	3.0	1.7	0.9	0.3
South	5 324 608	92.9	4.5	1.6	0.6	0.4
Centre-west	2 361 814	80.0	11.5	4.1	3.7	0.5

Source: IBGE - 1998 Social Indicators Summary (based on the 1997 PNAD).

Table 67

Urban homes by type of trash collection, 1997

Major regions	Total No. of homes	Trash collection (%)			
		Directly collected	Indirectly collected	Burned or buried	Other
Brazil	32 980 372	82.0	8.7	4.8	4.5
North	1 625 591	50.9	21.6	18.0	9.5
North-east	7 014 197	62.7	17.0	7.5	12.7
South-east	16 684 918	88.4	6.3	3.1	2.1
South	5 324 608	93.9	2.9	2.4	0.9
Centre-west	2 361 814	88.1	5.0	4.8	2.1

Source: IBGE - 1998 Social Indicators Summary (based on the 1997 PNAD).

Table 68

Urban homes by type of sewage disposal, 1997

Major regions	Total No. of homes	Sewage disposal (%)			
		Collection system	Septic tank	Rudimentary tank	Other or none
Brazil	32 980 372	49.4	24.1	18.8	7.6
North	1 625 591	6.6	43.9	36.5	12.9
North-east	7 014 197	21.1	28.1	35.3	15.3
South-east	16 684 918	76.8	12.6	5.0	5.5
South	5 324 608	18.3	55.1	22.0	4.4
Centre-west	2 361 814	38.3	10.4	48.3	3.0

Source: IBGE - 1998 Social Indicators Summary (based on the 1997 PNAD).

Table 69

Urban homes supplied with water, adequate sewage disposal and trash collection (by per capita household income in minimum salaries, 1997)

Major regions	Total No. of homes	% of homes adequately served	Per capita household income in minimum salaries		
			Up to ½	Over ½ up to 1	Over 1
Brazil	32 980 372	59.8	8.2	16.1	73.3
North	1 625 591	14.7	12.4	17.5	69.1
North-east	7 014 197	29.1	19.5	23.6	53.8
South-east	16 684 918	83.3	6.9	15.5	75.3
South	5 324 608	48.9	5.8	13.9	77.6
Centre-west	2 361 814	39.5	7.7	14.5	75.9

Source: IBGE - 1998 Social Indicators Summary (based on the 1997 PNAD).

503. For an assessment of substandard housing in Brazil, the main source is the study entitled "Dimensions of Social Needs - Municipal Data, 1996" conducted by IBGE and IPEA. This is the statistical survey most utilized by housing sector specialists to determine the number of substandard homes. The study is based on the definition of precarious homes as those inhabited by illiterate children aged 11-14 and/or headed by women with a monthly income of up to one minimum salary and which lack any waste disposal facilities. If we consider those individuals who live in precarious homes as homeless, this would apply to 43 per cent of the population, or 11.1 million homes (one third of existing homes).

504. Brazil has no specific statistics on the number of truly homeless individuals or families, but there are data on individuals whose home is considered inadequate. An approximate number of people without adequate shelter can be obtained by counting those individuals who live in improvised homes (including homes located in units that do not have space specifically assigned as living quarters). The 1991 census showed that people living in improvised homes numbered 221,505 in rural areas and 306,719 in urban areas, totalling 528,224 people.

505. The percentage of families who currently live in inadequate homes without basic sanitation is at least 42 per cent, if we consider as inadequate those homes with inadequate water supply, waste disposal and trash collection. In 1997, 26.5 per cent of Brazilian homes had neither sewage plumbing nor septic tank, 8.8 per cent were not connected to the public distribution system and 9.3 were not served by trash collection. Some 20,872,373 people had no access to the water supply system, 60,030,461 were neither served by the sewerage system nor had a septic tank, 45,042,470 had no trash collection and 12,200,460 had no electricity. Out of the total population, 117,475,431 people had no telephone. The condition of these services is more precarious in areas with low-income populations.

506. In Brazil, density of occupation in homes may also be considered inadequate. According to estimates, in 1998 the population living in overcrowded homes (i.e. more than three people per sleeping room) numbered 3,282,303 people (7.8 per cent). There are data on structurally unsafe homes (rustic homes) - there were 1,727,845 such homes in 1991. In 1997, structurally unsafe homes numbered 578,144.

507. In Brazil, illegality in the housing sector is characterized by lack of property title and non-compliance with urban standards (master plan, zoning, land use and occupation), municipal laws (works and building code) and administrative requirements (consonance with municipal procedures). There are illegal medium-income settlements (usually in the form of urban condominiums) and low-income settlements (slums and clandestine subdivisions). The number of people living in illegal (clandestine and irregular) settlements may be estimated on the basis of the number of existing slums, clandestine subdivisions and urban apartment blocks. No specific data on this are available, but one can use as an indicator the number of people who own their home but do not own title to the land on which it sits: 12,419,229 people, or 8.53 per cent of existing homes.

508. Alternatively, one might consider as illegal the number of people who live in homes located in substandard areas. According to available IBGE data, the number of people living in substandard areas in 1991 was 6,998,677.

Table 70

People living in substandard agglomeration by home location, 1991

Home location	House in substandard agglomeration	Apartment in substandard agglomeration	Total No. of people living in substandard areas
Rural	583 918	1 620	585 538
Urban	6 339 354	63 785	6 403 139
Total	6 923 272	65 405	6 988 677

Source: IBGE - 1991 Demographic Census.

509. In general, people who are evicted from their homes and are without legal protection are those who live in illegal settlements consisting especially of slums, clandestine subdivisions, or isolated dwellings. People without legal protection usually are those who are in an illegal situation. For the most part, authorities do not repress the poor when their illegal situation is limited to lack of a property title, allowing them to remain in place while expropriating the property or resorting to concessions for the use of urban land, among other urbanistic instruments. Eviction occurs more often in the case of invasion of urban areas and housing staged by homeless people or by popular pro-housing movements. Eviction occurs more often in critical situations to restore property ownership. There are no recorded data with national coverage to answer this question.

510. Historically, the Housing Financing System-SFH considers that the percentage of income allocated to rent should not exceed 30 per cent, otherwise the lessee might not be able to meet payments. In 1991, 1,033,069 families allocated more than 30 per cent of their monthly income to rent while for 334,406 families rent consumed more than 50 per cent of family income. It can also be observed that the rent burden problem is concentrated in the poorer layer of the population, as about 65 per cent of this type of deficit affects households with a monthly income of less than five minimum salaries. Estimates indicate that in 1997 about 2.65 per cent of permanent private homes allocated more than 30 per cent of family income to rent payment.

Table 71

Excessive allocation of family income to rent by income bracket, 1991

Allocation of family income	Up to 2 minimum salaries	From 2 to 5 minimum salaries	More than 5 minimum salaries.	Total
> 30%	290 402	380 368	362 299	1 033 069
> 50%	126 709	125 424	82 273	334 406

Source: João Pinheiro Foundation, 1995.

511. Waiting lists for housing are often adopted by State and municipal institutions responsible for the housing sector, on the basis of pre-established criteria. In general, the measures adopted to assist people on these lists are housing programmes for low-income people. In an emergency, authorities accommodate people in public housing. There are no data of national coverage to answer this question.

512. In Brazil, only 20 per cent[19] of homes are built with the assistance of the public and private housing financing sectors. The remaining 80 per cent are built through individual initiative, without direct assistance from the public sector. Public housing production in 1975-1995 accounted for 5.6 million housing units. It should be noted that there has been an increase in the number of own homes and other forms of occupation. The 1996 Family Budget Survey shows that 69.8 per cent were own homes, 18.8 per cent were rented, 9.6 per cent were borrowed and 1.8 per cent were otherwise occupied. Considering that in the last 15 years there has been a contraction in government home production, particularly for the middle and low-income segments of the population, the increase in own homes may be explained by illegal urban occupation, especially in urban agglomerations (slums, clandestine subdivisions and apartment blocks). The size of informal urban areas (illegal settlements and homes) varies significantly, encompassing as much as 50 per cent of the population of major urban agglomerations.

513. The Constitution of the Federative Republic of Brazil does not include housing as an individual's right but provides that urban property should perform its social function by conforming to the municipal master plan.

514. With respect to housing, the Federal Constitution assigns responsibilities as follows: to the Federation falls the task of legislating on general guidelines, and to the Federation, states, Federal District and municipalities, the promotion of house-building programmes and improvement of housing conditions. The Federation is also responsible for legislating urbanistic regulations. There are numerous state and municipal laws on home building and improvement. Municipalities legislate on matters of local interest and supplement federal and state legislation as appropriate. To a large extent, housing laws are municipal laws and address mainly compliance with urbanistic standards, debureaucratization of procedures for home registration, concession of public areas to poor families, engineering requirements, hygienic conditions, salubrity, illumination, size of rooms, and regularization of irregular and clandestine subdivisions.

515. Civil law is included in the federal legislation. Eviction, for instance, is addressed in Law 8245 of 18 October 1991 (Tenancy Law) which specifies the conditions under which lease contracts may be rescinded, including mutual agreement, legal or contractual infraction and default on payments. The Law provides that eviction should conform to regular procedures, including the issuing of a preliminary order determining that the property should be vacated within 15 days, independently from a hearing with the adverse party and provided that a bond equivalent to three months' rent is put up.

516. With respect to adverse possession, article 183 of the Federal Constitution provides that a person who has been in uninterrupted and unopposed possession of an urban area of up to 250 m^2 for five years, using it as a home for himself or his family, shall have presumption of title, provided that he does not own any other urban or rural property. The presumption of title and right of use shall be granted the man or the woman or both, regardless of their marital status. The same person cannot claim this right more than once. Public property cannot be acquired by adverse possession. The law on public registration allows for provisional registration of possession and respective assignment and promise of assignment to the Federation, states and municipalities or their delegated entities for the purposes of popular urban subdivision to benefit lower-income classes.

517. In case of urban subdivisions to benefit lower-income classes, federal law waives the need for property title if the property has been declared of public interest and is being judicially expropriated by the Federation, the states, or the Federal District and/or delegated entities legally authorized to implement housing projects. The law also provides for the assignment of possession in popular subdivisions. In these, assignment of possession is allowed if provisional assignees are the Federation, states, the Federal District and municipalities and their delegated entities. This shall be done by an act under private signature which, for all purposes, shall have the value of a deed and be exempt from the provisions of article 134 *ii* of the Civil Code.

518. The Federal Constitution also ascribes concurrent jurisdictional power to the Federation, the states and municipalities with respect to protection of the environment and preservation of forests, fauna and flora. Various environmental provisions of the Federal Constitution ensure the effectiveness of the right to a healthy environment. It charges the Government with preserving and restoring essential ecological processes and providing for the ecological management of species and ecosystems; preserving the diversity and integrity of the country's genetic patrimony; defining areas and their components to be specially protected in every state; and requiring prior environmental impact studies as prescribed by the law. The environmental legislation also encompasses the Forest Code, the Mining Code, and the resolutions of the National Environmental Council and Administration Directives.

519. The stated objectives of the National Housing Policy implemented by the Government since 1995 are the following: (i) universal access to housing; (ii) expansion of the stock of homes and improvement of existing homes; (iii) regularization of irregular settlements and promotion of access to land; and (iv) modernization of the housing sector by improving legislation and agencies.

520. Federal housing programmes that receive official financing may be classified into three major groups: (i) financing programmes that receive grants or subsidies in support of state and municipal investment aimed at improving the quality of life of population segments with family income under three minimum salaries; (ii) programmes providing financing for home construction and/or improvement of housing conditions of families whose monthly income is lower than 12 minimum salaries (Individual and Associative Letter of Credit and Production Support Programme); and (iii) programmes and initiatives aimed at improving the operation of the housing market.

521. The purpose of programmes associated with the poor's right to housing is to assist the states, municipalities and the Federal District in raising housing standards and the quality of life of rural and urban dwellers with incomes of less than three minimum salaries who live in risk areas or areas occupied by substandard dwellings (shacks, slums, stilt houses, tenement houses, etc.). The programmes also include measures such as urbanization of residential areas, acquisition or production of urbanized lots and construction materials, implementation of infrastructure in housing complexes and building of housing complexes.

522. There are also programmes geared towards the population that has a lower income, such as the Individual Letter of Credit programme. This programme finances the acquisition and purchase of homes or the improvement of housing conditions of families with a monthly income of up to 12 minimum salaries. The various types of programmes cover the acquisition of housing units or urbanized lots, home construction and home completion, expansion, remodelling and improvement. The financing ceiling is calculated according to the type of programme and the applicant's income. There is also the Associative Letter of Credit, which finances the construction of housing units and the production of urbanized lots by unions, cooperatives, associations, private entities and housing corporations that extend credit to physical persons with a monthly income of less than 12 minimum salaries. As the interest charged by Letter of Credit programmes is substantially lower than market rates, these programmes provide a not negligible direct subsidy. Another characteristic of these programmes is that they meet the spontaneous home financing demand on the part of individuals by providing direct consumer credit. This is a major change in governmental strategy. Programmes also promote the concept that major responsibility for solving the housing problem lies with society itself, while the Government's role is that of an inducer and facilitator. Moreover, it should be noted that these programmes impart flexibility to the mechanisms whereby the borrower's income is verified, without discriminating against those who work in informal activities.

523. The purpose of the Housing Production Support Programme is to finance the popular home building companies' production of homes for the population with incomes lower than 12 minimum salaries. Disbursement of funds is subject to the effective sale of a minimum of 50 per cent of the units produced.

524. Important Federal Government initiatives in implementation of the strategy for increasing the market's participation in the housing sector during the period under review include the following: the establishment of the Real Estate Financing System-SFI; the implementation of the Brazilian Home Building Quality and Productivity Programme-PBQP-H; the improvement of urban legislation, such as the recent revision of the Land Subdivision Law (Law 6.766) by Federal Law 9785/99; and initiatives recently implemented to diversify the means of access to housing, such as social leasing, along the lines of the Residential Leasing Programme-PAR. The Individual and Associative Letter of Credit programmes and the Home Production Support Programme also aim at increasing market participation by supporting own construction and self-financing.

525. The Brazilian Government specifically highlights the performance of housing investment programmes in the period 1995-1998. Total investment was Cr$ 10,115,764,000 benefiting 1,239,636 families as well as creating 502,273 jobs, according to data supplied by

SEPURB/SEDU. The main source of programme financing was the Length of Service-Based Fund-FGTS, which provided 90 per cent of the funds, the remaining 10 per cent coming from the State general budget. The main programme in terms of share in total investment was the Individual Letter of Credit programme (61.23 per cent), followed by the Associative Letter of Credit programme (15.81 per cent), which shows that there is a demand for financing on the part of private economic agents. The main programmes implemented through government agents and directed at the lower-income population accounted for only 20 per cent of the funds invested.

526. Services rendered in connection with home construction include the provision of transportation, sanitation, electricity, etc. The National Sanitation Policy implemented by the Government from 1995 through 1999 comprises two types of programs: (i) programmes aimed at expanding the supply of sanitation services, focused especially on lower-income segments (Pro-Sanitation, Sanitation Social Action-PASS and Sanitation Action Programme-PROSEGE; and (ii) programmes aimed at restructuring the sanitation sector (Sanitation Sector Modernization Programme-PMSS, Water Quality Programme-PQA, National Water Wastage Control Programme and Programmes in Support of Solid Waste Management-PROGEST). These programmes accounted for investment of Cr$ 5,264,100,000 between January 1995 and October 1998.

527. In Brazil, it has proved more equitable to benefit the poorer segments of the population irrespective of the size of the urban centres where they live. The HABITAR/BRASIL/BID, PASS/BID and PROSEGE programmes, all targeted at the low-income population (under PROSEGE, families with a monthly income of up to three minimum salaries), are designed specifically to reduce social inequalities, giving priority to investment aimed at meeting the needs of disadvantaged segments of the population. These programmes' priority criteria are established after identification of the extent of the lack of urban services. In this connection, states are subjected to a hierarchical order based on the number of urban homes in more precarious conditions. The areas eligible for intervention must meet the following requirements:

(a) They must have been occupied by a substandard settlement for more than five years and at least 60 per cent of residents must have a family income of three minimum salaries at the most;

(b) Their location must be hazardous or insalubrious, or they must be affected by legislation prohibiting their use for housing - in this case, any form of occupation; and

(c) They must be assigned priority, on the basis of a hierarchical order, at the initial stage of the Municipal Strategic Plan for Substandard Settlements-PEMAS, in the case of the first area subjected to intervention. Other areas shall be subjected to the definitive hierarchical order established by PEMAS.

528. The Government's 2000-2003 Pluri-Annual Plan (PPA) envisages various actions related to urban development. As of 2000, pre-existing programmes are incorporated into the Avança, Brasil programme, which comprises the following end-programmes:

Table 72

Urban development programmes under PPA

Programme	Objective	Funds source and total amount (Cr$)	
Road and Urban Transportation	Improve the quality of public road and urban transportation services in municipalities with a population over 75,000	State budget - Other - Total -	0 75 000 000 75 000 000
Restructuring of Metropolitan Areas	Promote the economic ordering of space and the urban and economic dynamism of metropolitan areas	State budget - Other - Total -	4 914 000 720 595 900 725 509 900
Brazilian Quality and Productivity Programme - PBQP	Increase mobilization for improving quality and productivity so as to raise the quality of life of the Brazilian population and promote increased competitiveness of Brazilian goods and services	State budget - Other - Total -	18 609 128 12 826 540 31 435 668
Our Neighbourhood	Improve living conditions of families with incomes of up to three minimum salaries that live in substandard settlements in urban agglomerations. This is to be accomplished by integrated housing, sanitation, and urban infrastructure initiatives	State budget - Other - Total -	701 922 693 3 024 333 014 3 726 255 707
Live Better	Make basic sanitation services universal, reduce the national housing deficit, and improve urban infrastructure for the population victims of social exclusion	State budget - Other - Total -	297 260 376 14 729 185 311 989 561
My Home	Permit low-income families living in urban agglomerations, metropolitan areas and State capitals to have access to housing through rental with option to buy	State budget - Other - Total -	0 495 000 000 495 000 000
Urban Management	Increase the efficiency and effectiveness of urban management and the quality and productivity of the production of basic sanitation and transportation services	State budget - Other - Total -	65 167 940 772 009 644 837 177 584
Letter of Credit	Reduce the quantitative and qualitative housing deficit of the urban population with a monthly income of up to 20 minimum salaries	State budget - Other - Total -	0 984 000 000 984 000 000
Total Investment Planned 2000-2003		State budget - Other - Total -	1 087 874 137 6 098 494 283 7 186 368 420

Source: PPA.

529. It should be noted that the PPA only indicates the investment planned for 2000-2003 in urban development programmes; it is currently awaiting approval by the National Congress, which may subject it to cuts and changes.

530. According to article 182, paragraph 4, of the Federal Constitution, the municipal government may, by means of a specific law regarding areas included in the master plan, demand, in accordance with federal law, that the owner of unbuilt, underutilized, or unutilized urban land provide for the adequate use thereof, under penalty of the following in succession: compulsory subdivision or construction; progressive urban property and land tax; and expropriation.

531. In commenting on the housing issue, the Government mentioned measures adopted at the federal level to solve housing problems. It is important to note that additional measures will be adopted by states and municipalities within their respective competence. With respect to federal legislation on the housing sector, the following basic laws should be mentioned:

Expropriation (Decree-Law No. 3365/41); recently amended by Law 9785/99;

Housing Financing System-SFH (Law 4380/64); outdated, it should be subject to harmonization with the other laws on this matter;

Extrajudicial execution (Decree-Law No. 70/66);

Real Estate Incorporations (Law 4591/64); should be changed so as to ensure greater juridical security for buyers of real property still on the drafting board;

Special SFH execution (Law 5741/71); should be changed to expedite the repossession of real property and expand the imputation of crime to anyone that invades or occupies real property earmarked for the Government's housing programme;

Public records (Law 6015/73); has been simplified by Law 9785/99 providing for debureacratization and reduction of costs;

Urban land subdivision (Law 6766/79); its recent amendment by Law 9785/99 should be continued for further improvement;

Documentation required for property acquisition through the SFH (Law 6748/79); should also be made compatible with Law 4380/64 (SFH);

Public deeds (Law 7433/85); changed so as to reduce the large number of required documents, which is incompatible with small- and medium-sized real estate markets. This law has significantly reduced the number of documents required for the recording of public deeds. Further simplification might entail less juridical security for the parties. Law 8009/90 prohibits the attachment of family property, placing it out of the reach of creditors. But the law could foresee civil suits by the seller's creditors, so that the latter

could be exempted from the exceptions under the Family Property Law that do not hinder the sale of said family property, as creditors could not in any case have it legally attached. Rather than benefiting the debtor, this provision would have the effect of facilitating the circulation of property within the Housing Financing System and preventing the ill-famed pro-forma contracts known as contratos de gaveta (drawer contracts);

Criteria for readjusting the value of contractual obligations related to the alienation of real property not subject to SFH norms, to which Law 7774/89 refers (Law 7989/89). This Law regulates the indexing of some contracts foreseen in the previous law. In view of the latest Economic Plan that did away with indexing and its attendant regulation, this law has lost its meaning and can thus be considered virtually revoked;

Transfer of financing under the Housing Financing System (Law 8004/90); appropriate changes in this law are the object of Provisional Measure MP 1768-31/99, which establishes a new regulation for the Compensation for Salary Variations Fund-FCVS;

Readjustment of agreed payments under financing contracts signed in the framework of the Housing Financing System, linked to the Salary Equivalence Plan (Law 8100/90); appropriate changes in this law are contemplated in MP 1768-31/99, which establishes a new FCVS regulation;

Leasing of urban real property and pertinent procedures (Law 8245/91-Tenancy Law). The change pointed out is to be made according to the government plan for social leasing, geared particularly to sub-letting and collective housing;

Readjustment of monthly payments and outstanding balance under housing financing contracts under the Housing Financing system (Law 8692/93); recently changed by MP 1762-/99 and MP 1768-31/99;

Consolidation of FGTS norms - Decree No. 99684/90 (Law 8036/90); recently changed by MP 1691/98);

Real Property System (Law 9514/97);

MP 1762-/99 adopts measures related to the Housing Financing System-SFH, changing Law 4380 of 21 August 1964, Law 8036 of 11 May 1990 and Law 8692 of 28 July 1993 and makes other provisions; and

MP 1768-31/99 provided for renewal of debts and obligations to FCVS; changes Decree-Law No. 2406 of 5 January 1988 and Law 8004 of 14 March 1990, Law 8100 of 5 December 1990 and Law 8692 of 28 July1993, and makes other provisions.

532. The following laws are municipal legislation related to the housing sector:[20]

Municipal Housing Fund-FMH (Law 7412/90, Curitiba; Municipal Law 7592/95, Porto Alegre);

Acquisition of invaded private areas for regularization purposes. Under specific legislation, invaded private areas are transferred to the FMH for regularization. The establishment of the FMH permits the regularization of the situation of thousands of families that occupy public areas and makes possible the implementation of a municipal housing programme. The FMH may also channel resources to the implementation of housing programmes;

Incentives for the implementation of housing programmes of social interest (Law 7841/91; regulated by Decree 86/91, Curitiba). Payment of constructive incentives provides resources for the implementation of housing programmes, including regularization, removal and clearance of slums. Collected funds have allowed the municipality to maintain housing programmes independently from federal or State funds;

Special housing sectors of social interest (Decree 901/80, Curitiba; Municipal Law 2901/65, Porto Alegre); sets specific guidelines for slum clearance, relocation and regularization (housing units - public and private areas). The setting of specific guidelines for irregular occupation has proved very useful for the urbanization of invaded areas that could not be assisted under the provisions of the law. This legislation defines housing of social interest and the housing policy of social interest with a view to housing production;

Master plan, legislation on land use and occupation (Law 2828/66, Curitiba; Law 17 of 28 January 1997; Brasilia; Laws 15547/91 and 16176, Recife; Law 6031 and Complementary Law 04/96, Campinas; Laws 7805/72 and 9413/81, São Paulo; Decree No. 322/76, and Complementary Law 16/92, Rio de Janeiro; Complementary Law 43/79, Porto Alegre; Laws 007/94, 402/78, 403/78 and 408/78, Natal). This legislation establishes basic guidelines for the municipality's integrated development and regulates land use and subdivision, as well as the implementation of urban physical structures and equipment;

Urban land subdivision (Law 16285/97, Recife; Laws 1993/59 and 8736/96 on enclosed subdivisions, Law 8853/96 on urban pockets in rural areas, Law 6681/91 on approval of subdivisions and housing of social interest, Campinas; Law 9413/81, São Paulo; and Decree No. 322/76, Rio de Janeiro);

Renewal of slum areas/land regularization (Law 1497/87 on urbanization and legalization of land possession, Recife; Law 11632/94, São Paulo; Law 7603/93 on urban adverse possession and special zones of social interest-ZEIS, Belem; Decree No. 9218/90 and Law 2120/94, Rio de Janeiro; Municipal Law 7593/95 and Complementary Law 338/95, Porto Alegre. The preceding refers to legislation establishing special zones of social interest-ZEIS and a programme of regularization of these areas, land regularization with the population's participation, and legal instruments for the creation of special areas of social interest;

Hygiene, salubrity, illumination, and size of rooms (Law 7427/61, Recife);

Regularization of clandestine and irregular subdivisions (Municipal Decree No. 6782/81, SERLA, Campinas; Municipal Law 6820/86, Curitiba;

Recording of illegal housing (Municipal Law 8275/95, Campinas); granting of incentives to owners for recording clandestine constructions antedating December 1994, pursuant to some requirements;

Elimination of slums (Municipal Law 3506/71, Porto Alegre); and

Land Bank (Complementary Law 269/92, Porto Alegre). Implementation of the programme for municipal acquisition of land for implementing urban development policy and housing programmes.

533. With respect to legislation on land use and distribution, land acquisition, subdivision, lot demarcation, expropriation (including indemnification provisions) and real property ordering (including procedures for community participation), it should be noted that the Constitution has empowered the Federation, the states, and the Federal District to legislate on urbanistic matters and the municipality to legislate on matters of social interest.

534. It is incumbent upon municipalities to draft a master plan and the legislation on the use and occupation of urban land (permitted uses, urbanistic indexes), urban zoning and subdivision (urban occupation indexes, lot size and use coefficients), all in accordance with federal legislation on urban land subdivision. It is also incumbent on the Federation to legislate on expropriation and to draw up national and regional territorial ordering plans - but the latter have not been drawn up yet. Community participation in municipal planning is compulsory. The Municipal Master Plan must respect the principle of the social function of urban property.

535. With regard to tenants' right to security of occupation, protection from eviction, home financing, and rent control (or rent subsidy) and housing availability, the pertinent legislation has been included above on the list of federal laws pertaining to the housing sector.

536. The Federation is empowered by the Constitution and the Civil Code to establish general norms related to urban property. The Civil Code contains provision on the noxious use of property and the right to build. Establishing building codes and construction standards is incumbent upon the municipalities, which must legislate according to local peculiarities.

537. Eviction is addressed in Law 8245 of 18 October 1991 (Tenancy Law) which specifies the conditions under which lease contracts may be rescinded, including the following: by mutual agreement; owing to legal or contractual infraction; and for default on payments. The Law provides that eviction should conform to regular procedures, including the issuing of a preliminary order determining that the property should be vacated within 15 days, independently from a hearing with the adverse party and provided that a bond equivalent to three months' rent is put up.

538. Speculation in housing or property, particularly when it militates against the right to housing of all sectors of society, is addressed in article 182 (4) of the Federal Constitution, which provides that the owner of unbuilt, underutilized, or unutilized urban land must provide for the adequate utilization thereof.

539. Despite having similar objectives and targeting a similar public, the HABITAR BRASIL and PRO-MORADIA programmes differ as to their source of funds and the nature of their financing.

540. HABITAR's purpose is to assist the states, municipalities and the Federal District in raising housing standards and the quality of life of rural and urban dwellers with incomes of less than three minimum salaries who live in risk areas or areas of substandard dwellings (shacks, slums, palafittes, tenement blocks, etc.). Under this programme, municipalities that participate in the Solidary Community Programme have priority. The programme is financed by grants from the State Budget and has two modalities: urbanization of areas of substandard dwellings and urbanization of unoccupied areas.

541. The PRO-MORADIA programme's purpose is also to improve the quality of life of the rural and urban population with incomes of less than three minimum salaries by assisting the Government to implement integrated initiatives in coordination with other sectoral policies pertaining to housing alternatives. Programme resources come from the FGTS. The programme covers the urbanization of residential areas; the acquisition and/or creation of urbanized lots; the provision of baskets of construction materials, and the provision of infrastructure in and construction of housing complexes.

542. The Individual Letter of Credit programme's purpose is to finance the acquisition and building of homes or the improvement of housing conditions of families with a monthly income of up to 12 minimum salaries. The various modalities of this programme cover the acquisition of housing units or urbanized lots, and home construction, completion, expansion, remodelling and improvement. Funds come from the FGTS and the financing ceiling is calculated according to the type of programme and the applicant's income.

543. The Associative Letter of Credit finances the construction of housing units and the creation of urbanized lots by unions, cooperatives, associations, private entities and housing corporations (COHABs) that extend credit to physical persons with a monthly income of less than 12 minimum salaries. The programme covers two areas: the building of housing units and the creation of urbanized lots.

544. It should be pointed out that as the interest charged by Letter of Credit programmes is substantially lower than market rates, these programmes provide a not negligible direct subsidy. Another characteristic of these programmes is that they meet the spontaneous home financing demand on the part of individuals by providing direct consumer credit. This is a major change in governmental strategy. These two programmes also promote the concept that major responsibility for solving the housing problem lies with society itself, while the Government's role is that of an inducer and facilitator. Moreover, it should be noted that these programmes impart flexibility to the mechanisms whereby the borrower's income is verified, without discriminating against those who work in informal activities.

545. The purpose of the Housing Production Support Programme is to finance popular home-building companies' construction of homes for the population with incomes lower than 12 minimum salaries; disbursement of funds is subject to the effective sale of a minimum of 50 per cent of the units produced. Funds for financing this programme also come from the FGTS.

546. Important federal government initiatives in implementation of the strategy for increasing the market's participation in the housing sector during the period under review include the following: the establishment of the Real Estate Financing System-SFI; the implementation of the Brazilian Home Building Quality and Productivity Programme-PBQP-H; the improvement of urban legislation, such as the recent revision of the Land Subdivision Law (Law 6.766) by Federal Law 9785/99; and initiatives recently implemented to diversify the means of access to housing, such as social leasing, along the lines of the Residential Leasing Programme-PAR.

547. The Individual and Associative Letter of Credit Programme and the Home Production Support Programme also aim at increasing market participation by supporting own construction and self-financing.

548. The Brazilian Government specifically points to the performance of housing investment programmes in the period 1995-1998. Total investment was Cr$ 10,115,764,000 benefiting 1,239,636 families and creating 502,273 jobs, according to data supplied by SEPURB/SEDU. The main source of programme financing was the Length of Service-Based Fund-FGTS, which provided 90 per cent of the funds, the remaining 10 per cent coming from the State Budget. The main SEPURB programme in terms of share in total investment was the Individual Letter of Credit Programme (61.23 per cent), followed by the Associative Letter of Credit Programme (15.81 per cent), which shows that there is a demand for financing on the part of private economic agents. The main programmes implemented through government agents and directed at the lower-income population, such as HABITAR BRASIL and PRO-MORADIA, accounted for only 10.9 per cent and 9.99 per cent of the funds invested (see table below).

Table 73

National Housing Policy: performance of major programmes, 1995-1999

Programme	Investment (Cr$ thousands)	% investment	Loan (Cr$ thousands)	Counterpart (Cr$ thousands)	Benefited families	Jobs created
Individual Letter of Credit	6 194 329	61.23	5 574 894	619 435	420 416	128 429
Associative Letter of Credit	1 605 307	15.87	1 304 234	301 073	75 898	153 039
PRO-MORADIA	1 102 821	10.90	759 222	343 599	332 134	105 136
Resolutions 166	72 852	0.72	55 526	17 326	3 496	6 935
Resolutions 211	22 722	0.22	13 720	9 002	2 662	2 166
Production support	107 193	1.06	50 015	57 178	2 985	10 219
Total FGTS	9 105 224	90.01	7 757 611	1 347 613	837 591	405 934
HABITAR-BRASIL	1 010 540	9.99	809 647	200 893	402 045	423 176
Total State budget	1 010 540	9.99	809 647	200 893	402 045	423 176
Grand total	10 115 764	100.00	8 567 258	1 548 506	1 239 636	502 273

Source: SEDU/SEPURB - Management Report on Monitoring and Evaluation of Housing Programmes, August 1999.

549. The National Sanitation Policy implemented by the Government from 1995 through 1999 comprises two types of programmes: (i) programmes aimed at expanding the supply of sanitation services, focused especially on the lower-income segments (Pro-Sanitation, Sanitation Social Action-PASS and Sanitation Action Programme-PROSEGE; and (ii) programmes aimed at restructuring the sanitation sector (Sanitation Sector Modernization Programme-PMSS, Water Quality Programme-PQA, National Water Wastage Control programme, and Programmes in Support of Solid Waste Management-PROGEST). These programmes accounted for investment of Cr$ 5,264,100,000 between January 1995 and October 1998.

550. Finally, in the area of urban infrastructure and transportation, the PRO-INFRA programme financed with FGTS funds should be mentioned.

551. The major financing sources for investment in housing and urban infrastructure are the FGTS and the State Budget-OGU. The Budget, prepared by the executive branch, is submitted for the approval of the National Congress each year. It presents a forecast of federal government expenditures for the various agencies, functions, programmes and subprogrammes, projects and activities in different areas. In the areas of housing, sanitation, and urban transportation, for instance, the OGU includes major projects to be financed with federal funds, whether from the National Treasury or other sources (foreign loans, FGTS, etc.). Although they are included in the OGU, disbursement of these funds requires authorization from the Ministry of Finance during budget execution and is subject to contingency and to the State's legal and financial norms.

552. The amount of FGTS funds used in contracting loans each fiscal year depends on the availability of net resources for new applications, obtained from the difference between cash inflow plus initial available funds and cash outflow, after deduction of reserves authorized by the FGTS Board of Trustees-CCFGTS, pursuant to CCFGTS resolution No. 246/96, annex I. According to said resolution, 40 per cent of FGTS total resources must go to investment in basic sanitation and infrastructure, the remaining 60 per cent going to popular housing. Distribution of funds among the states is defined on the basis of the following variables: gross revenue from FGTS-linked accounts, urban population, housing deficit, and water and sewerage services deficit. Funds are allocated by region and income bracket.

553. HABITAR BRASIL-BID, PASS/BID and PROSEGE are federal urban development programmes financed from external resources - all three are financed from resources from the Inter-American Development Bank-IADB, which are channelled through the Federal Government as grants and complemented by counterpart funds from the states and municipalities, and by PMSS and PQA. PMSS and PQA resources from foreign loans obtained from the World Bank, plus counterpart funds from benefiting states.

554. HABITAR BRASIL-BID, PASS/BID and PROSEGE are targeted at low-income population segments (families with a monthly income of up to three minimum salaries in the first two cases and families with a monthly income of up to seven minimum salaries in the case of PROSEGE). Programme guidelines aim specifically at reducing social inequalities by ascribing priority to investment that will meet the needs of the disadvantaged population.

555. The PMSS and the PQA aim at restructuring the sanitation sectors so as to increase efficiency. Emphasis is placed on issues related to institutional development. They have no specific guidelines favouring lower-income brackets, which benefit only indirectly.

556. The operational segment of the regulations of the HABITAR BRASIL/BID programme, based on a contract signed with the IADB on 13 September 1999, makes clear the concern for the disadvantaged of the population. The main objective is to raise the housing standards and quality of life of families with a monthly income of up to three minimum salaries who live in substandard settlements located in metropolitan areas, urban agglomerations and state capitals. This objective also includes encouraging municipal governments to undertake efforts to alleviate problems in this area.

557. The programme includes an Institutional Development Subprogramme-DI and a Substandard Settlement Urbanization Subprogramme. Priority criteria for eligibility for the programme are established after a determination of the extent of the need for urban services. States are placed in a hierarchical order on the basis of the number of urban homes in precarious* condition. Areas eligible for intervention must meet the following requirements:

(a) They must have been occupied by a substandard settlement for more than five years and at least 60 per cent of residents must have a family income of three minimum salaries at the most;

(b) Their location must present a risk or insalubrious conditions, or they must be affected by legislation prohibiting their use for housing - in this case, any form of occupation; and

(c) They must be assigned priority, on the basis of a hierarchical order, at the initial stage of the Municipal Strategic Plan for Substandard Settlements-PEMAS, in the case of the first area subjected to intervention; other areas shall be subjected to the definitive hierarchical order established by PEMAS.

Article 12

558. Brazil's 1988 Constitution introduced a health-care system whose basic guidelines consist of decentralization with a single command centre at each level of government, together with complete health-care services stressing prevention and community participation, which has become top priority for this sector. The effective regulation of the Government-run Single Health-Care System (SUS - Sistema Único de Saúde) took place only in 1990 (Laws Nos. 8,080/90 and 8,142/90). However, the most steady progress began to appear during the subsequent years, with the implementation of the two Basic Operating Standards (NOB 1/91 and NOB 1/93 - Normas Operacionais Básicas). In 1996, an additional significant step forward

---

* Note: for IBGE, "precarious" or "rustic" homes refer to **permanent** homes built predominantly with improvised materials - unfinished wattle-and-daub walls, recycled wood or containers, dirt floors, adobe, etc.

was achieved in this long and sporadic process. This was the promulgation of Basic Operating Standard NOB/1/96, which introduced significant changes to the financing mechanism for the types of participation open to subnational levels of government for their participation in the Single Health-Care System (SUS).

559. The high-priority Government-run programmes and actions in the health-care field may be divided into three major categories: (i) medical and hospital assistance targeting the population as a whole, responding to spontaneous demands; (ii) mother-child care focused on vulnerable groups such as pregnant women and children, with two particularly outstanding programmes: Infant Mortality Reduction Programme (PRMI - Programa de Redução da Mortalidade Infantil) and the Women's Health-Care Programme (Programa de Saúde da Mulher); and (iii) the Disease Control Programmes, which cover a broad range of actions designed to control or eradicate vectors, as well as diseases and illnesses that can be avoided or treated successfully through early identification. This category includes vaccination campaigns, vector control, basic sanitation (water supplies and sewage disposals), as well as educational campaigns introducing behavioural changes in high-risk groups.

560. Confirming earlier observations in countless countries, the Brazilian experience is beginning to indicate that initiatives such as the Community Health-Care Agents Programme (PACS - Programa de Agentes Comunitários de Saúde) and the Family Health-Care Programme (PSF - Programa de Saúde da Família) are initial strategic tools for reshaping the Brazilian welfare model and reorganizing local health-care systems, as well as cutting costs without introducing constraints on access while upgrading the quality of the services supplied.

561. Another important aspect of the decentralization of the Brazilian health-care system is the speed-up of the intermunicipal consortium formation process. Most Brazilian municipal districts - which are generally small or medium-sized - lack the conditions needed to provide welfare resources in the quantities and wide variety of options required by their inhabitants, due to widespread poverty or their demographic dimensions. This prompted the appearance of intermunicipal consortia consisting of partnerships between neighbouring municipal governments - in some cases assisted by the state governments - whose purpose is to supplement the supply of specialized physicians, hospital services and other resources, particularly those requiring higher technological density that are inaccessible to the participants in these consortia on an individual basis.

562. In order to upgrade worker health and reduce the risk of disease and death among workers, the following actions have been implemented: introduction of health-care services designed for workers; capacity-building in this field for health-care practitioners; dissemination of technical and educational materials to employers, workers and health-care practitioners.

563. The infant mortality rate - which is of the utmost importance in analysing general health conditions - has improved significantly in recent years. Estimates prepared by the Brazilian Institute of Geography and Statistics (IBGE - Instituto Brasileiro de Geografia e Estatística) show a drop in the Infant Mortality Coefficient (CMI - Coeficiente de Mortalidade Infantil) which has been falling steadily, from 85.6 per 1,000 live births in 1980 to 47.8 per 1,000 live births in 1990; in 1998, it had fallen to 36.1 per 1,000 live births.

564. The drop in the infant mortality rate has taken place in every part of Brazil, although it is still highest in the north-east. Despite this marked reduction, the infant mortality rate in Brazil is still high compared to countries with high social and economic development levels. The table below presents Brazilian statistics for the infant mortality rate by region (1989-1998):

Table 74

Infant mortality rate, Brazil and regions (1989-1998)

Region	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Brazil	52.02	49.40	46.99	44.79	42.80	41.01	39.40	37.97	36.70	36.10
North	47.42	44.59	42.26	40.37	38.88	37.72	36.82	36.13	35.60	35.20
North-east	77.82	74.30	71.15	68.37	65.92	63.80	61.96	60.39	59.05	57.91
South-east	35.86	33.57	31.62	29.97	28.60	27.47	26.56	25.82	25.23	24.76
South	29.20	27.36	25.94	24.87	24.08	23.49	23.07	22.76	22.55	22.39
Centre-west	32.97	31.19	29.74	28.56	27.61	26.85	26.25	25.77	25.39	25.09

Source: Estimated Infant Mortality Rate by Micro Region and Municipal District - Ministry of Health, 2000.

565. The proportional mortality rate for infants aged under one year and the coefficient indicating the relative weight for deaths in this age group among the total number of deaths fell steeply from 1980 through 1997, down from 23.98 per cent to 7.90 per cent. These figures also varied widely by region, from 15.70 per cent in northern Brazil down to 5.71 per cent in the south.

566. The main groupings for the causes of death among infants aged under one year changed appreciably from 1980 through 1997. Perinatal deaths related to care during pregnancy and birth, and deaths of newborns, which accounted for just over one quarter of all deaths in this age group in 1980 (28.71 per cent), increased in relative terms to almost one half of infant deaths in 1997 (52.75 per cent). This increase is largely relative, reflecting the shrinkage in other causes of death, due probably to better basic health-care actions and services, particularly for diseases occurring mainly during the post-neonatal period (infectious, parasitic and respiratory diseases), as well as a reduction in diagnoses based on poorly defined causes.

567. The reduction in the infant mortality rate noted over the past few years is more significant at the post-neonatal stage, with a clear predominance of the neonatal component from 1993 onwards.

568. Infectious and parasitic diseases - including those that can be prevented by immunization - and diarrhoeas, among others, dropped from 21.53 per cent to 9.53 per cent, shrinking in significance as a cause of death for this group while remaining at a relatively high level, due to marked vulnerability factors. Respiratory diseases fell slightly, from 11.56 per cent to 7.80 per cent.

569. Death resulting from undefined symptoms, signs and infections, which also indicates the absence and/or lack of prompt medical assistance, dropped to one half of the figure for the start of the period, down from 25.12 per cent to 11.22 per cent, which also reflects an improvement in the quality of the information provided by the system.

570. In 1997, neonatal deaths (0-27 days of life) accounted for 62.1 per cent of deaths among infants aged under one year, while 79 per cent of neonatal deaths occurred during the first week of life. Most of the deaths during the neonatal period were due to perinatal causes (related to prenatal and birthing facilities) as well as congenital anomalies.

571. In 1997, infectious and parasitic diseases in north-east Brazil accounted for 13.67 per cent of infant deaths, compared with less than one half of this figure in the south (6.99 per cent). These figures indicate that the causes of death in north-east Brazil are still heavily influenced by outside factors, including infections, which tend to drop as the social and economic conditions of the population improve.

572. A significant trend in epidemiological standards that has obvious effects on the demographic structure is related to alterations in the composition of the death rate by cause groupings at all ages. The most striking characteristic is the steady drop in death from infectious and parasitic diseases, in parallel to the increase in circulatory system diseases, which took the lead as the main cause of death during the 1960s, as well as outside causes and respiratory system diseases, in addition to neoplasias, shown in table 75.

Table 75

Proportional mortality rates for the main causes of death in Brazil, 1979-1998

	Chapters					
Year	Infectious and parasitic diseases	Neoplasias	Circulatory system diseases	Respiratory system diseases	Infections originating in the perinatal period	Outside causes
1979	10.3	8.1	25.1	8.1	7.2	9.2
1984	7.5	8.5	25.8	7.8	6.1	10.2
1989	5.5	9.9	28.0	8.1	5.0	12.5
1995	4.3	11.1	27.4	9.3	4.3	12.9
1998	5.2	11.9	27.6	9.9	3.9	12.7

Source: Mortality Rates Information System (SIM/CENEPI/FUNASA).

573. However, an analysis of data-based mortality rates requires certain issues to be taken into consideration in terms of quality. The main factor is the high percentage of causes of death recorded as due to undefined symptoms and signs of infection; although dropping, this still accounted for 14.9 per cent of deaths registered in 1998.

574. Among the chronic communicable diseases, two warrant particular attention:

(a) Tuberculosis, which accounts for some 6,000 deaths registered each year in Brazil. In 1999, 78,628 cases of tuberculosis were notified, all clinical, reflecting an incidence coefficient of 48.0 cases per 1,000 inhabitants. Launched in 1998, Brazil's National Tuberculosis Control Plan introduced supervised treatment, paying a bonus of Cr$ 150 or Cr$ 100 for each case of this disease diagnosed, treated and cured (with the different amounts paid depending on whether or not the treatment was supervised). In 2000, Tuberculosis Control activities were integrated with the basic healthcare services, and this plan will be implemented in 329 high-priority municipal districts that are home to some 50 per cent of the Brazilian population, as well as housing 80 per cent of the cases of this disease;

(b) The hanseniasis rate fell 80 per cent during the 1990s, down from 17.4 per 1,000 inhabitants in 1991 to 3.6 per 1,000 inhabitants in 1999. Nevertheless, north, north-east and centre-west Brazil still post high prevalence and detection rates for this disease. In 1991, at the forty-fourth World Health Assembly, Brazil agreed to the goal of eliminating hanseniasis as a public health care problem, bringing the rate down to less than 1 victim per 1,000 inhabitants by 2005. In order to achieve this target, hanseniasis control activities should be implemented by all health care units in the basic network, including the teams working for the Community Health Care Agents Programme, as well as the Family Health Care Programme (ATDS DAB MS, 2000).

575. In terms of the epidemiological status of diseases requiring mandatory notification, as well as endemic diseases in Brazil (communicable diseases), the current situation is complex, but can be summed up in three main trends.

576. Communicable diseases have either been eliminated or are on the decline. Significant achievements have been noted in terms of prevention and control of a large group of communicable diseases, through the availability of effective tools. They include diseases that can be prevented through immunization, with a steep drop in their rates over the period.

577. For this group of diseases, Brazil's Ministry of Health has established objectives that include maintaining the current control situation or even achieving eradication, where this strategy can be deployed. In order to achieve these objectives, the Ministry of Health has invested in strengthening the capacity of municipal districts and states to detect suspect cases rapidly, while implementing effective preventive measures (epidemiological surveillance); extending widespread coverage of routine vaccination campaigns in order to achieve adequate levels in each municipal district; and the adoption of specific strategies such as screening and sweeping operations, while stepping up vaccination campaigns.

578. Diphtheria. In 1999, the number of cases of diphtheria (4,646) was down 99 per cent from 1980. Today, north and north-east Brazil account for most of the few remaining cases, having recorded 20 and 14 cases respectively during 1999. Deaths caused by this disease have also dropped sharply, down from 518 a year to 13 over the past two decades, a drop of some 98 per cent.

579. Whooping cough. Down from almost 55,000 cases a year recorded in 1982, whooping cough registered just over 1,000 cases in 1999 - a more than 50-fold reduction.

580. Tetanus. Accidental cases of tetanus fell from 2,226 cases in 1982 to 746 in 1998, down 67 per cent. The occurrence of this disease in Brazil has also shifted age groups, with around 50 per cent of the cases occurring among the elderly. Due to this characteristic, the Ministry of Health introduced a new control strategy for this disease consisting of double adult anti-tetanus vaccination through a campaign targeting senior citizens. Deaths caused by accidental tetanus poisoning have also kept pace with this downtrend, falling from 713 occurrences registered in 1982 to 170 in 1998, down 70 per cent. The Ministry of Health has also accepted an international commitment to eliminate neonatal tetanus, with a 92 per cent reduction in cases of neonatal tetanus from 1982 through 1999. Deaths caused by this disease also fell by 16 times, down from the 470 occurrences recorded in 1982 to 30 in 1998.

581. Poliomyelitis. Also known as infantile paralysis, this disease affected 3,596 children in 1975 and was totally eradicated in Brazil in 1990, thanks to broad-ranging routine vaccinations and the introduction of nationwide vaccination campaigns, adopted on a pioneering basis in Brazil in 1980. The persistence of poliomyelitis in other continents, with the ongoing risk of imported viruses until worldwide eradication is achieved, justifies the continuation of National Vaccination Days, in parallel to strengthening the epidemiological surveillance strategy for acute flaccid paralysis.

582. Measles. A contagious and communicable disease that affected 2-3 million children during the epidemic years of the 1970s, measles shrank appreciably from 1980 through 1999, despite outbreaks that are characteristic of this disease. This cyclic behaviour, with epidemics occurring on an average of every five years, is due to the speed with which susceptibility builds up if adequate vaccination strategies are not implemented with high routine vaccination coverage (> 95 per cent for infants aged under one year) and regular campaigns. During the early 1990s, due to the epidemiological characteristics of measles, the availability of a high-effectiveness vaccine and the occurrence of a significant outbreak at that time led to the adoption of a regional eradication strategy for this disease. The first step was to run a blanket vaccination campaign, which took place in 1992, achieving high vaccination coverage rates. The subsequent steps were not fully implemented. After 1992, routine measles vaccination coverage failed to achieve adequate levels, and the follow-up campaign run in 1995 achieved coverage rates of under 80 per cent, insufficient to meet its objectives.

583. Allied to the fragility of Brazil's epidemiological surveillance system, these factors triggered an outbreak in late 1996 in São Paulo State that then spread to 18 other states, with a total of 53,664 registered cases. A nationwide vaccination campaign in June 1997 which achieved adequate coverage levels of 95 per cent, together with more stringent epidemiological surveillance activities managed to detect and isolate suspected cases rapidly, bringing this outbreak under control. In 1999, only 797 cases of measles were recorded in Brazil - 66 times less than in 1997. The number of deaths caused by measles also reflected the benefits achieved by bringing this disease under control: in 1980, this disease caused 3,236 deaths, which is probably underestimated, as this figure does not include indirect deaths caused by complications,

such as pneumonia, which frequently occur with measles. Last year, there was only one death caused by measles in Brazil. In order to firm up these achievements and move steadily ahead towards eradication, the Ministry of Health invested some Cr$ 4.8 million to set up a special task force operating in all 27 states simultaneously, providing rapid response facilities for detecting and investigating any suspected case, in parallel to preventive vaccination and ensuring that all municipal districts achieved the 95 per cent routine vaccination coverage required for infants aged under one year. Additionally, a follow-up vaccination campaign was run in June, vaccinating some 15 million children under the age of five years all over Brazil. During the first six months of 2000, only 32 cases of measles were recorded, some of them still under investigation, which could reduce this figure even more. This situation strengthened Brazil's expectations of achieving its objective of eradicating this disease in the course of the current year, reaching December with no recorded cases of measles.

584. Rabies. The human rabies rate fell sevenfold from the number of cases registered annually over the past two decades, down from 173 cases in 1980 to 26 cases in 1999, an 85 per cent drop. These cases are currently clustered in north and north-east Brazil.

585. Rabies transmitted by domestic animals has been totally eliminated in southern Brazil, as well as some states in the south-east, with full nationwide eradication of this disease planned for 2003. In order to meet this objective, the circulation of the rabies virus among dogs and cats will be monitored more strictly, extending annual pet vaccination campaigns. In order to achieve these victories in the control and eradication of diseases that can be prevented by immunization, recent developments have played a vital role in terms of the coverage achieved by vaccination campaigns under Brazil's National Immunizations Programme (PNI - Programa Nacional de Imunizações). In 1998 and 1999, almost all vaccine coverage rates were achieved for the first time in Brazil, at the levels technically recommended for the four basic vaccines covered by this programme.

586. Chagas disease. In addition to the diseases that can be prevented by immunization, significant progress has also been noted in the prospects for controlling other communicable diseases, some of them endemic for many decades in Brazil, including Chagas disease. Transmitted mainly by triatominides (blood-sucking insects) commonly known as barbeiros, this disease posted high rates of incidence in Brazil, estimated at around 100,000 new cases a year during the late 1970s.

587. Today, with the entomological monitoring strategy implemented to identify the presence of the vector, along with elimination campaigns using specific insecticides and better housing facilities in endemic areas, this disease is now under control. Data produced by a serum survey carried out among school children aged 7 to 14 years in the endemic area in 1997 revealed only 325 positive tests from a sample of 226,138 examinations, equivalent to 0.14 per cent. With these results, and the shrinkage in the area where the Triatoma infestans is found, the International Specialists Committee set up by the Pan-American Health Organization (PAHO) and the Southern Cone countries to assess the epidemiological situation in each country, awarded a certificate confirming the interruption of the vectoral transmission by T. infestans at its meeting in March this year to six Brazilian states: São Paulo, Rio de Janeiro, Paraíba, Mato Grosso, Mato Grosso do Sul and Goiás. Four other states where the studies are reaching completion will also be certified in the course of this year.

588. Hanseniasis. The rates for other endemic diseases such as hanseniasis have shrunk appreciably, down from 16.4 per 1,000 inhabitants in 1985 to 4.3 in 1998, drawing close to the target proposed by the World Health Organization (WHO) which intends to eliminate this disease as a public health problem by bringing its rate down to 1.0 per 10,000 inhabitants.

589. Communicable diseases. Some communicable diseases are persistent, listed under the Brazilian Incomplete Agenda for this field. Powerful new strategies to deal with this group of diseases have recently been introduced, ensuring tighter integration between the prevention and control areas. The assistance network, the main area of action for this set of diseases, focuses on the diagnosis and treatment of victims in order to break the transmission chain.

590. It is also important to stress the need for multisectoral actions designed to prevent and control this group of diseases, as many of the reasons behind their endemic nature lie in fields outside healtn care: the rapid spread of urban sprawl without the necessary infrastructure, changes in the environment, deforestation, the expansion of agricultural frontiers, waves of migrants, large-scale infrastructure projects such as highways and hydro-power plants, etc. The most typical examples are malaria and tuberculosis.

591. Malaria. During the 1940s, malaria affected some 6 million Brazilians all over the country. However, shifts in the social structure and the intensive control efforts implemented through the Malaria Control Campaign have brought this disease under relative control, with fewer than 100,000 cases a year, mainly in areas bordering the Amazon rainforest. From the 1970s/1980s onwards, development projects in Amazonia - including new highways and hydro-power plants, the expansion of wildcat mining activities and others - triggered huge waves of migration in Brazil, resulting in widespread environmental alterations, introducing large sectors of the population into malarial areas. This situation helped spread malaria through northern and centre-west Brazil, boosting the number of cases to around 450,000-500,000 a year. Social and economic aspects, such as heightened appreciation of goods produced through extractive activities, parallel to an intensive rural settlement process that introduced large groups into the depths of the forest, along with other environmental factors such as rainfall variation, have pumped up the number of cases over the past few years to over 600,000, recorded in 1999. The variation in the number of cases recorded each year is also related to the scope of the control activities implemented. Consequently, the decentralization of the Malaria Control Programme, which is now being taken over by the municipal districts, initially results in better detection rates, with a consequent increase in the number of recorded cases. From the early 1990s onwards, with the introduction of new control strategies focused on diagnosis and treatment, a significant achievement was noted in Brazil, consisting of a drop in the more severe types of malaria associated with the P. falciparum, which is reflected in the drop in malaria mortality rates, down by some 84 per cent over the decade. Today, malaria is found mainly in Legal Amazonia, particularly in Amazonas and Pará States which together account for almost 70 per cent of the cases recorded in Brazil. In other parts of the country, recorded cases of malaria account for only 0.3 per cent of the total, usually imported from Amazonia or other countries. This disease is currently the focus of a stepped-up programme being run by the Ministry of Health designed to cut the rate by 50 per cent by 2001, absorbing total investments of around CrS 143 million. This is channelled largely to the decentralization of diagnosis and treatment, now allocated to the states and municipal districts, ensuring faster and easier access to care for the communities of Amazonia, particularly through the integration of the Community Health Agents and the Family

Health Teams; broad-ranging actions combating the vector, particularly spraying homes with insecticide; in addition to environmental intervention such as draining and cleaning pools and lagoons in urban areas affected by malaria such as Manaus and Porto Velho. The number of cases of malaria recorded in Amazonas State has already dropped by 30 per cent, comparing the first half of 2000 with the initial six months of 1999, guaranteeing the feasibility of achieving the targets by keeping up these concentrated, integrated efforts.

592. Tuberculosis. Having dropped appreciably after the introduction of new treatment schemes in the 1970s and 1980s, tuberculosis stabilized at around 90,000-100,000 cases a year. The control model adopted was excessively centralized in terms of assistance, with lengthy treatment times of at least six months; the build-up in population density in the low-income outskirts of large towns and cities lacking adequate sanitary conditions affected the situation, among other factors. In association with AIDS, tuberculosis is now on the rise again all over the world. In Brazil, some 25 per cent of AIDS patients have tuberculosis as an associated disease. Covered by recent investments and actions undertaken by the Ministry of Health and other levels of Brazil's Single Health-Care System (SUS) that are designed to decentralize patient care facilities and introduce new ways of ensuring ongoing treatment, tuberculosis is also being targeted by better detection facilities for new cases, with increased cure rates. This strategy also involves the transfer of funding in the form of bonuses for successful cures, designed to produce positive effects over the next few years.

593. Meningitis. This term describes a situation characterized by inflammation of the meninges that may be caused by a wide variety of agents, which may be infectious (virus, bacteria, fungi and protozoaria) or not. For the public heath authorities and the Epidemiological Surveillance Units in particular, infectious meningitis, caused by communicable etiological agents, is a matter of much concern. The clinical status of the various types of meningitis may vary from oligosymptomatic situations through to more severe cases that may at times result in death. A complex and multifaceted problem, meningitis may be caused by various diseases with different effects on the public health facilities, demanding very different prevention and control strategies. The bacterial and viral types of meningitis are the most important from the public health standpoint, due to the scope of their occurrence and transmission potential, pathogenicity and social significance. Outstanding among the former are meningococcal meningitis, as well as meningitis caused by type B Haemophilus influenzae, meningitis caused by pneumococcus and tuberculosis meningitis. Meningoccocal disease is found throughout almost the entire world, although it is hyper endemic in sub-Saharan Africa, where some countries reach an annual rate of 150 cases per 1,000 inhabitants - 50 times more than the levels registered in Brazil. There was a major outbreak of meningoccocal disease in Brazil during the 1970s, with its epicentre in São Paulo, which spread throughout the country. At that time, a massive vaccination campaign protected the entire population with a French A + C meningitis vaccine that had never been used on such a large scale before and with no proof of its effectiveness. Possibly due to the combined effect of two factors - the use of the vaccine and the depletion of susceptible victims - this epidemic was brought under control. However, this seeming "success" introduced a mistaken belief among the Brazilian population that meningoccocal meningitis was a disease that could be prevented by immunization. From the 1980s onwards, there were sweeping changes in the epidemiological behaviour of meningoccocal disease in Brazil, with type B becoming more prevalent. There is only one vaccine available for this type of meningitis, produced in Cuba, which is not available for universal use, and produced somewhat mixed results when used in

Brazil. Certain types of meningitis are endemic in Brazil and in almost every country elsewhere the world. This means that a certain number of cases of meningitis are expected to occur each year as part of the "normal" behaviour of this disease. During the 1990s, an average of 28,000 cases a year of all types of meningitis were notified in Brazil, with meningococcal meningitis accounting for some 20 per cent of them, averaging out at 5,400 cases a year. Localized outbreaks of meningococcal disease were noted during the 1980s and 1990s, with an increase in the number of "expected" occurrences during the first half of the 1990s which has not yet been fully explained, constituting an increase in the endemic level. Outstanding among the measures introduced by the Ministry of Health and other levels of management within Brazil's Single Health-Care System designed to bring the various types of meningitis under control, parallel to epidemiological surveillance activities, are the improvements in laboratory diagnostic techniques and medical treatment which is effectively reducing the mortality rates for this disease, along with the correct deployment of measures such as chemo-prophylaxis, when indicated; the use of anti-meningococcal vaccine whose effectiveness has already been proved in case of outbreaks; the introduction of the vaccine against type B Haemophilus influenzae, now included in the basic immunization system for all infants aged under one year in Brazil. The type B Haemophilus influenzae is one of the main agents causing severe meningitis in infants aged under one year, with a high mortality rate of around 8 per cent, and the threat of after-effects, some of them severe, including mental retardation and deafness.

594. Emerging and re-emerging communicable diseases. A third group of diseases in Brazil reflects the worldwide phenomenon of the emergence and re-emergence of communicable diseases, including the appearance of AIDS during the early 1980s; the re-introduction of cholera from Peru in 1991; and the dengue fever epidemic that made this one of the top public health priorities in South America and Brazil during the late 1990s.

595. AIDS. The first case of AIDS was identified in Brazil during the early 1980s, with the disease spreading rapidly up to 1996, when 20,714 new cases were recorded. Since then, its growth rate has slowed, with lower incidence levels as well as a significant drop in the mortality rate. The Ministry of Health runs permanent AIDS prevention campaigns, guaranteeing treatment with anti-viral drugs for all patients and imposing tighter controls over blood transfusions.

596. Cholera. The cholera epidemic peaked in Brazil in 1993 with 60,340 cases. The efforts of the Public Health System have managed to shrink this figure more than 13-fold (92 per cent), despite the unsatisfactory sanitary conditions of a portion of the population creating a favourable context for the dissemination and persistence of this disease. In 1998 and 1999, the drought that assailed north-east Brazil resulted in a severe water supply crisis, even in the state capitals, paving the way for the reappearance of this disease. However, the Ministry of Health stepped up its prevention and epidemiological surveillance activities in this region, with Health Minister José Serra launching a sanitary education campaign, in parallel to distribution of sodium hypochlorite through the Community Health Care Agents Programme in the Major Isidoro municipal district of Alagoas State. Some Cr$ 2.3 million were invested by FUNASA under agreements with the State Health Bureau in order to strengthen monitoring activities for river basins in north-east Brazil, in addition to Cr$ 5,157,683.66 allocated to guarantee water supplies in regions affected by the drought. Cholera currently appears in the form of location-specific outbreaks, mainly in small villages in north-east Brazil with limited access to treated water and

inadequate sewage facilities. An outbreak occurred at the Port of Paranaguá in 1999, probably triggered by infected truckers from north-east Brazil. However, this was brought under control in just a few weeks, demonstrating the rapid response capacity of Brazil's health-care sector and ensuring fast control and elimination of this disease where sanitary conditions are favourable. In the course of the current year, cholera has shrunk appreciably in terms of both the number of cases and the geographical areas where it appears. During the first six months of the year, some 500 cases of cholera were recorded, in only two States - Pernambuco and Alagoas - in north-east Brazil, opening up prospects for appreciable reductions compared with 1999.

597. Dengue fever. This disease has been attacked through one of the largest public health-care campaigns ever run in Brazil. The mosquito that transmits this disease (Aedes aegypti) had been eradicated from many countries in the Americas during the 1950s and 1960s, but returned during the 1970s due to gaps in the epidemiological surveillance system, as well as social and environmental alterations prompted by the rapid expansion of urban sprawl during that period. Today, this vector is found in large portions of the Americas, ranging from Uruguay to the southern United States of America, with significant outbreaks of dengue fever in countries such as Venezuela, Cuba, Brazil and, more recently, Paraguay. The difficulties encountered in eradicating a mosquito that lives and reproduces in the many different types of recipients that can trap rainwater, often discarded as garbage (bottles, cans and tyres), have demanded massive efforts by the health-care sector, absorbing outlays estimated at Cr$ 1 million a day. Closely linked to other government policies, including garbage removal and urban cleaning programmes, these efforts have also increased the awareness among society of the need for communities to keep their own surroundings free of this mosquito, while strengthening epidemiological surveillance activities. All this could well maintain the downtrend in the number of cases that has already been noted in 1998 and 1999, when the numbers dropped from 557,699 to around 211,267, a drop of 64 per cent.

598. Visceral Leishmaniasis. This is largely a forest-based disease, also known as chalaza, which has displayed alterations in its behaviour prompted by social and environmental changes. They include deforestation that has reduced the number of animals available to serve as a source of food for the vector mosquito, making dogs and human beings as the most accessible alternatives, parallel to waves of migration that have brought human and canine populations to the poverty-stricken outskirts of larger towns and cities, leaving rural areas where this disease was endemic. Furthermore, as yet there are no truly effective ways of preventing this disease. The epidemiological behaviour of visceral leishmaniasis is cyclic, with regular upsurges over periods that average out at every five years, in parallel to an uptrend from 1980 through to today. This increase in the number of cases registered over recent years keeps pace with a trend towards changes in the pattern of geographical occurrence, with cases recorded on the outskirts of some large cities such as Belo Horizonte and Fortaleza, reflecting an expansion in the usual area of occurrence of this disease. Control strategies focus on identifying and eliminating its reservoirs, particularly dogs; combating the vector; and proper diagnosis and treatment for recorded cases. Better scientific knowledge of the specific role of each link in the chain of transmission of visceral leishmaniasis - still involving inconclusive technical discussions - will help shape more effective control actions.

599. Yellow fever. This disease appears in two different forms: urban and forest. Urban yellow fever has been eradicated in Brazil since 1942, while forest yellow fever cannot be eradicated because this disease follows a large-scale natural circulation cycle among primates living in tropical forests.

600. Even though the number of cases of forest yellow fever recorded each year in Brazil is below that of most of the countries sharing the Amazon Basin (for instance, Peru recorded 165 cases in 1998), it is still very much a focus of attention, with new vaccination strategies designed to protect the sectors of the Brazilian population living in endemic areas (Legal Amazonia and the centre-west region). Since April 1998, a campaign launched by Health Minister José Serra in Mato Grosso has stepped up yellow fever vaccinations in the endemic region, in order to ensure full coverage of all residents. By 1998, this more intensive campaign had quadrupled the average number of vaccinations in Brazil, reaching 12 million people. These actions continued throughout 1999, focused on people living in hard-to-access areas and expanding vaccination facilities to areas that are contiguous with the endemic region, vaccinating communities in the Triângulo Mineiro (Minas Gerais State) as well as north and north-east São Paulo and Paraná States. In 1999, 16 million people were inoculated against yellow fever. Epidemiological surveillance activities also became more intensive, in an effort to register the real number of cases of yellow fever while introducing timely isolation measures. The outbreak recorded in the Chapada dos Veadeiros National Park at Alto Paraíso, Goiás State - which attracted some 3,000 visitors for the year-end festivities - stressed the need to assure protection for a new risk group: rural and eco-tourists. Working closely with travel and tourism entities, the Ministry of Health has been running a campaign designed to warn travellers to endemic regions of the need for pre-trip vaccination, with access to this vaccine extended throughout the entire health-care network. In 2000, some 8 million people had been inoculated by June.

601. Hanta viruses. The hanta viruses constitute an emerging source of diseases with two main clinical forms: renal and pulmonary. The renal form is found more frequently in Europe and Asia, while the pulmonary type occurs mainly in the Americas, affecting almost every country, with the United States of America and Argentina recording the highest number of cases. Human infection occurs most frequently through inhaling the aerosols formed through the secretions and excretions of the vectors, which are forest-dwelling rodents. The first cases were detected in Brazil in 1993, in São Paulo, with the disease being recorded mainly in the south, south-east and centre-west. The measures implemented by the Ministry of Health included epidemiological surveillance measures for the disease; the development of laboratory capacity for carrying out diagnoses; the disclosure of proper treatment measures in order to reduce mortality rates; and studies of the hantavirus circulation situation among forest-dwelling rodents in Brazil, by means of a survey that is being carried out by FUNASA in the course of the current year. These actions increased the detection capacity, reflecting the epidemiological reality of the hantaviruses more accurately in Brazil whilst also indicating the most appropriate prevention and control measures.

602. Listed below are the steps that the Brazilian Government has ranked as vital for disease prevention and control, implemented through the Ministry of Health.

603. Expansion of the National Immunizations Programme. In order to maintain and extend the positive results achieved for the control or eradication of diseases that can be prevented by immunization, the Ministry of Health has stepped up its prevention activities. Over the past three years, the National Immunizations Programme introduced vaccines such as the anti-hepatitis B on a nationwide basis, the type B Haemophilus influenza vaccine, and vaccinations for the elderly against influenza, tetanus and pneumococcal pneumonia.

604. In 1999 the influenza vaccine achieved 87.3 per cent coverage among the population aged 65 years and over, which is one of the highest rates in the world. In the course of the current year, this will be extended to include those aged 60 years and over, covering some 14 million people. With these new vaccines, Brazil's basic vaccination calendar includes all vaccines recommended by international entities such as the PAHO and WHO whose effectiveness has been proven for use by public health systems.

605. The budget allocation assigned to the acquisition of immunobiological measures rose from Cr$ 37.6 million in 1994 to Cr$ 217.4 million in 1999. Additionally, cooperation agreements were signed with Brazilian and international manufacturers, assuring technological transfers while lowering vaccine prices. Through this process, the price of influenza vaccine, for instance, dropped from US$ 4.24 to US$ 1.85 per dose since last year.

606. VIGISUS project. In a shrinking world, where the barriers between countries are fading away rapidly, it is vital to strengthen the nation's capacity to forecast, prevent and detect the introduction of new diseases while blocking the reappearance of "old" diseases. Consequently, through the National Health Foundation (FUNASA - Fundação Nacional de Saúde) the Ministry of Health signed a loan agreement with the World Bank providing US$ 600 million to underpin Brazil's National Health-Care Surveillance System (Sistema Nacional de Vigilância em Saúde). Its implementation began during the second half of 1999, with this financing planned for use by the following areas: epidemiological surveillance, environmental health surveillance, indigenous health and disease control in Legal Amazonia, acquisition of information technology and communications equipment and vehicles, upgrading public health laboratories, training courses and capacity-building programmes, studies and research projects, among many others.

607. Decentralization and a steady flow of financing for controlling endemic diseases. In December 1999, Ministerial Edict 1,399 and Edict 950 were published jointly by the Executive Secretariat for the Ministry of Health and the National Health Foundation (FUNASA), introducing a new Disease Control and Epidemiological Policy for Brazil. Initially, activities in this field that were still carried out directly by the National Health Foundation (FUNASA) were decentralized through transfer to the states and municipal districts, assuring closer integration with other basic health-care activities, including the Community Health-Care Agents, the Family Health Teams and the service network run by the Single Health-Care System (SUS). Second, a stable financing mechanism was established through the introduction of the Disease Control and Epidemiology Financial Ceiling (Teto Financeiro de Epidemiologia e Controle de Doenças) which will assure a steady stream of financing channelled directly on a fund-to-fund basis, avoiding the stumbling-blocks noted with transfers under agreements, parallel to the assignment

of additional funds to this area totalling Cr$ 518 million, transferred by the Federal Government to the states and municipal districts. These funds will be used to underwrite a set of activities and targets designed to strengthen prevention and control actions, ensuring that the reduction targets are achieved for malaria and dengue, the eradication of measles, and the ongoing eradication of poliomyelitis, and other diseases. At the moment (31 June), a total of 17 states and 1,290 municipal districts have already taken over all disease control and epidemiological activities in full.

608. Adoption of epidemiological criteria for transferring sanitation funding. From this year onwards, the National Health Foundation (FUNASA) budget funds allocated to sanitation activities will be transferred to the states and municipal districts according to epidemiological criteria, assigning top priority to projects where they will have the greatest impact on disease control and prevention. Consequently, it will be possible to focus on higher-risk areas, interweaving health care and sanitation activities in order to achieve greater efficacy levels. Places with high rates of diseases related to precarious sanitary situations, such as schistosomosis, cholera, typhoid fever and high infant mortality rates caused by diarrhoea, may be assigned funds that will guarantee access to treated water and sewage disposal, while upgrading the sanitary conditions in individual households. The funds required to install adequate garbage disposal facilities will be channelled to towns with high Aedes aegypti infestation rates, where breeding sites are related to the poor functioning of the urban cleaning system (tyres, bottles, etc). Locations recording the presence of Chagas disease vectors with housing conditions that favour the proliferation of these insects will also be assigned top priority for funding intended to upgrade these homes.

609. Among the emerging diseases in Brazil, AIDS is particularly noteworthy. The first case of this epidemic was diagnosed in 1980, with the total number of cases reaching 190,949 by June 2000, with the HIV-positive average estimated at 536,900 cases for persons aged 15-49 years. This epidemic has remained stable over the past few years at around 12 cases per 1,000 inhabitants, with the mortality rate having dropped since 1995.

610. The AIDS epidemic has passed through three phases so far: (i) initial, up to 1986, when it was prevalent among men who had sex with men (MSM) and the population with high levels of schooling; (ii) the second phase, characterized by an upsurge in transmission among injectable drug users, reflected in an increase among lower age groups and heterosexuals; (iii) the current phase, which consists of dissemination among heterosexuals, particularly women (the current proportion is 2 men to 1 woman, compared with 17 men to 1 woman at the start of the epidemic), with an increase in transmission among people with lower levels of schooling.

611. Another equally important aspect that the Brazilian Government would like to stress is related to mental disturbances and alterations in behaviour. The most recent data on the distribution of mental disturbances in Brazil come from a survey carried out in 1990-1991 in three metropolitan regions (E.N. Almeida, On Psychiatric Morbidity in Metropolitan Regions in Brazil, epidemiological report produced by the Single Health-Care System, National Health Foundation CENEPI, Brasilia, June 1992). Neuroses were the most frequent type of disturbance, with prevalence rates varying from 7.6 per cent in São Paulo to 17.6 per cent in Brasilia. Psychotic depression was detected in 14.5 per cent of women in Porto Alegre.

612. Various types of alcoholism were found in proportions varying from 4.5 per cent to 8.7 per cent, reaching 15 per cent among the male population. According to 1995 data, alcoholism and drug consumption together account for some 20 per cent of hospitalizations for mental disturbance in Brazil, 93 per cent of them men, reaching 28 per cent in the south.

613. The use of injectable drugs is an increasingly important factor for AIDS transmission, accounting for 21 per cent of the total number of cases recorded in 1996.

614. Brazil is endowed with an effective National Health Policy. According to its 1988 Constitution, health is the right of all, and a duty of the State. This principle is the backbone of Law No. 8,080 dated 19 September 1990, which regulates health-care services and actions nationwide organized by individuals or corporate legal entities established under public or private law.

615. To a certain extent, it could be said that the health-care policy implemented by the Brazilian Government has gradually been absorbing the proposals issued by WHO in terms of primary health-care facilities. In other words, this is reflected through the Family Health-Care Programme, the Community Health-Care Agents Programme and the Basic Treatment Threshold Programme, with the last making provision for direct financial transfers from the Federal Government to municipal districts to underwrite programmes of a preventive nature, among many others.

616. Article 196 of the Brazilian Constitution establishes the right of all its citizens to health, while stipulating that it is the duty of the State to assure this. Public health-care services and actions are organized according to the precepts of article 198 of the Brazilian Constitution: a Single Health-Care System structured through a regionalized network based on a hierarchical structure, characterized by decentralization, all-round treatment and services, and community participation.

617. The Basic Treatment Threshold (PAB - Piso de Atenção Básica) was introduced in 1997 and fully implemented in 1998, altering the financing logic of the Single Health-Care System (SUS). Consequently, funds were no longer transferred to municipal districts on a "production" basis, but were rather provided on the basis of pre-established per capita levels, transferred from the National Health Fund to the municipal funds through fund-to-fund transfers. Consequently, municipal health bureaux began to play a management role for the Single Health-Care System in the municipal districts, preparing plans of actions for health-care services tailored to local requirements and specific characteristics. This alteration in the funding transfer system had sweeping redistributive effects, with a significant increase in the amount of funding channelled to municipal districts in north and north-east Brazil.

618. The actions focused on providing Basic Treatment by the Ministry of Health include drawing up strategies assigning high priority to actions promoting, protecting and recovering the health of individuals and families. Initially implemented in 1991 through the Community

Health-Care Agents Programme (PACS) this process extended through to 1994 when the first teams were set up under the Family Health-Care Programme (PSF) that included and extended the spheres of action assigned to the Community Health-Care Agents.

619. In August 2000, the Family Health Programme covered 53.9 per cent of the municipal districts in Brazil, accounting for 20.3 per cent of the nation's population. The Community Health-Care Agents Programme covered 82.6 per cent of municipal districts in Brazil, accounting for 49.9 per cent of the nation's population. Initially, these strategies assigned high priority to servicing municipal districts with lower urbanization levels.

620. The purpose of the Family Health-Care Programme is to reorganize health-care practices along new lines and criteria, replacing the traditional model that was slanted towards curing diseases, generally in hospitals. This experience has provided broad-ranging understanding of the health/disease process, highlighting the need for other types of interventions other than curative measures which extend well-being while fine-tuning the allocation of funding assigned to the health-care sector.

621. The strategy of the Family Health-Care Programme is structured on the basis of the Family Health-Care Unit (Unidade de Saúde da Família) which is a public health unit staffed by multidisciplinary teams that assume full responsibility for a specific population where health-care promotion and disease prevention activities are implemented, parallel to treatment and rehabilitation.

622. The introduction of the Basic Treatment Threshold, the Community Health-Care Agents Programme and the Family Health-Care Programme, among many others, reflect Brazil's choice of new financing mechanisms that foster the decentralization of funding through the adoption of per capita values. The preparation and implementation of health-care policies at the municipal level endow these actions with greater effectiveness, while also enhancing their potential for social control. These initiatives make unmistakable contributions to developing a more efficient and fairer health-care system based on preventing diseases and promoting health.

623. According to estimates drawn up on the basis of information provided by the states and municipal districts to the Public Health Budget Information System (SIOPS - Sistema de Informações sobre Orçamentos Públicos em Saúde) the expenditures by the Ministry of Health, the State Health Bureaux (direct and indirect Civil Service) and municipal districts in Brazil topped Cr$ 33.6 billion in 1998, equivalent to 3.7 per cent of Brazil's GDP.

624. The Ministry of Health provided 57.5 per cent of this total, with expenditures hovering around Cr$ 19.3 billion; the State Health Bureaux provided Cr$ 5.6 billion, 16.5 per cent of the total outlays on health care; municipal districts constituting state capitals provided Cr$ 2.1 billion, 6.3 per cent of total outlays on health care, and other municipal districts in Brazil paid in Cr$ 6.3 billion, 19.7 per cent of outlays. Overall, municipal districts contributed 26 per cent of these outlays, equivalent to some Cr$ 8.8 billion.

Table 76

Government outlays on health care

Level of government	Outlays on health care (Cr$ million)	% total government outlays
Ministry of Health	19 323.69	57.47
State Health Bureau	5 550.50	16.51
Municipal districts	8 746.89	26.02
State capitals	(2 110.19)	6.28
Other municipal districts	(6 636.70)	19.74
Total	33 621.08	100.00

625. In terms of outlays on health care channelled to activities in the basic treatment field, particularly noteworthy is the increase of 65.2 per cent in fund allocation from 1995 to 1999, an average yearly increase of 13.4 per cent. Further details are given in table 77 below:

Table 77

Basic social outlays - health care and sanitation, 1995-1999 (Cr$ million)

	1995	1999	% increase 1995-1999
Health care	5 360 186	8 855 688	65.2
A. Basic treatment	1 194 271	2 144 282	79.5
B. Basic infrastructure	1 003 021	1 926 008	92.0
Sanitation	64 443	363 790	464.5
Investment	377 302	785 786	108.3
Defrayal	561 276	776 432	38.3
C. Disease control	228 668	806 574	252.7
Vaccines	83 152	262 968	216.2
Endemic disease control	145 516	543 606	273.6
D. Medication	424 075	960 406	126.5
E. Sanitary surveillance	3 118	132 004	4133.6
F. Staff	2 507 033	2 886 414	15.1
Sanitation	58 505	158 505	0.0
Total	5 518 691	9 014 193	63.3

Source: SIS Ministry of Health.

626. Table 78 shows an increase in funds allocated to basic treatment health care from 3.6 per cent to 4.9 per cent of the State Budget.

Table 78

Basic social outlays, 1995-1999

	1995	1999
Health care (Cr$ million)	8 488	14 024
Federal	5 360	8 856
State/municipal	3 128	5 168
Basic welfare outlays (Cr$ million)	25 150	34 147
Budget (Cr$ million)	239 038	288 693
GDP (Cr$ million)	646 192	1 010 068
Health-Care/Budget (%)	3.55	4.86
Health care/GDP (%)	1.31	1.39
Basic welfare/Budget (%)	10.52	11.83
Basic welfare/GDP (%)	3.89	3.38

Source: SIS/Ministry of Health.

627. The statistical tables below indicate the access rates to sewage disposal facilities, bathrooms or sanitary facilities, public garbage collection systems and immunization for children, and life expectancy rates at birth.

Table 79

Access to sewage disposal services

Location	Households (million households)					Residents (million inhabitants)				
	Total	Serviced		Not serviced		Total	Serviced		Not serviced	
		Total	%	Total	%		Total	%	Total	%
Urban	34.0	17.4	51.2	16.6	48.8	125.2	61.7	49.3	63.5	50.7
Rural	7.8	0.4	5.1	7.4	94.9	32.2	1.5	4.7	30.7	95.3
Total	41.8	17.8	42.6	24.0	57.4	157.4	63.2	40.2	94.2	59.8

Source: IBGE-PNAD - 1998.

Table 80

Access to bathrooms or sanitary facilities

Location	Households (million households)					Residents (million inhabitants)				
	Total	Serviced		Not serviced		Total	Serviced		Not serviced	
		Total	%	Total	%		Total	%	Total	%
Urban	34.0	32.9	96.8	1.1	3.2	125.2	121.1	96.7	4.1	3.3
Rural	7.8	5.1	65.4	1.7	34.6	32.2	20.5	63.7	11.7	36.3
Total	41.8	38.0	90.9	3.8	9.1	157.4	141.6	90.0	15.8	10.0

Source: IBGE-PNAD - 1998.

Table 81

Access to public garbage collection

Location	Households (million households)					Residents (million inhabitants)				
	Total	Serviced		Not serviced		Total	Services		Not serviced	
		Total	%	Total	%		Total	%	Total	%
Urban	34.0	31.4	92.4	2.6	7.6	125.2	114.4	91.4	10.8	8.6
Rural	7.8	1.4	17.9	6.4	82.1	32.2	5.4	16.8	26.8	83.2
Total	41.8	32.8	78.5	9.0	21.5	157.4	119.8	76.1	37.6	23.9

Source: IBGE-PNAD - 1998.

Table 82

Percentage of children immunized - coverage by region, 1999

Region	Polio 3rd dose	DPT 3rd dose	BCG	Measles	Hepatitis B
North	88.44	75.64	100.00	87.49	73.45
North-east	93.86	88.68	100.00	97.84	61.90
South-east	100.00	100.00	100.00	100.00	95.55
South	93.60	93.70	100.00	95.71	100.00
Centre-west	100.00	96.76	100.00	81.82	87.38
Total	98.22	93.61	100.00	98.35	83.38

Source: COPNI CENEPI FUNASA Ministry of Health.

628. According to WHO, a fully vaccinated child should have received BCG, measles, triple protection and polio vaccines. The data issued by the Ministry of Health indicate nationwide coverage of over 90 per cent for each of these vaccines in 1999.

Table 83

Life expectancy at birth, 1998

	Life expectancy at birth		
	Men/ Women	Men	Women
Brazil	68.1	64.3	72.1
North	67.9	65.1	71.1
North-east	65.1	62.1	68.2
South-east	69.2	64.8	73.8
South	70.6	66.9	74.5
Centre-west	68.9	65.8	72.4

Source: Summary of Social Indicators. IBGE, 1999.

Table 84

Life expectancy at birth - expected life span by gender, region and state, 1997

Region and State	Men	Women	Total
North	64.77	70.77	67.55
Rondônia	64.41	70.41	67.35
Acre	64.49	70.33	67.35
Amazonas	65.11	70.89	67.94
Roraima	63.58	69.72	66.59
Pará	64.83	70.99	67.85
Amapá	65.15	71.24	68.13
Tocantins	64.71	70.38	67.49
North-east	61.81	67.89	64.83
Maranhão	60.45	67.55	63.93
Piauí	61.49	68.11	64.72
Ceará	62.24	68.78	65.44
Rio Grande do Norte	62.36	68.73	65.49
Paraíba	60.71	66.36	63.48
Pernambuco	60.1	65.45	62.72
Alagoas	59.32	65.2	62.2
Sergipe	63.4	69.3	66.29
Bahia	63.82	69.82	66.76
South-east	64.63	73.61	68.97
Minas Gerais	66.07	73.16	69.55
Espírito Santo	65.73	73.36	69.47
Rio de Janeiro	61.71	72.78	67.14
São Paulo	65.07	74.21	69.55

Table 84 (continued)

Region and State	Men	Women	Total
South	66.67	74.27	70.34
Paraná	66.18	72.93	69.49
Santa Catarina	66.98	74.58	70.7
Rio Grande do Sul	66.98	75.24	71.03
Centre-west	65.56	72.18	68.67
Mato Grosso do Sul	66.46	72.73	69.53
Mato Grosso	65.28	71.42	68.29
Goiás	65.66	72.14	68.84
Federal District	64.61	72.61	68.53
Total	64.09	71.7	67.78

Source: IBGE Population Count and Preliminary Demographic Forecasts.

629. Brazil does not yet have information available covering the entire country in terms of access to trained practitioners able to treat diseases and injuries receiving regular supplies of the 20 essential medications.

630. Despite significant regional differences that still persist, the prenatal assistance coverage has expanded. During the first half of the 1990s, 81 per cent of women received prenatal care from a physician, with 48 per cent having more than seven visits and some 66 per cent beginning prenatal care during the first trimester of pregnancy. The number of women living in rural areas who did not have any prenatal visits topped 31 per cent, far higher than the number of women living in urban areas who did not see a doctor (8.6 per cent), according to the PNDS/1996. The transfer of federal funding on a per capita basis to municipal districts in order to finance basic health-care facilities from 1997 onwards resulted in an appreciable expansion of prenatal care, reflected in a 78 per cent increase in the number of consultations provided by the Single Health-Care System (SUS) in 1998. Although these data do not allow the population coverage to be calculated, it is very probable that it has expanded.

631. Maternal mortality rates are still significant. According to the PNDS/1996, over the past 10 years, an average probability of 8 maternal deaths for every 1,000 women of reproductive age has been recorded. The maternal mortality rate measured indirectly reached 207 maternal deaths for every 100,000 live births in 1980, dropping sharply in 1990 to almost 100 per 100,000 live births.

632. To speed up the drop in maternal mortality rates, the Ministry of Health has been investing in upgrading birth care facilities since 1998, assigning a higher value to this procedure undertaken by the Single Health-Care System and preventing the abusive use of Caesarean sections which are very common in Brazil, while introducing a high-risk pregnancy care system nationwide.

633. In June this year, a National Prenatal and Birth Humanization Programme (Programa Nacional de Humanização do Pré-Natal e Nascimento) was introduced, transferring additional resources to all municipal districts that introduce basic procedures ensuring effective care during pregnancy, labour and birth.

634. With regard to vulnerable groups, the Brazilian Government offers the following information, particularly for the elderly and the disabled. A substantial increase in the universe of the elderly is noted, which has significant impacts on the functioning of the public hospital network. Over the past few years, a series of measures, laws and practices have been introduced that are designed to upgrade the health of the elderly.

635. The promulgation of Federal Law No. 8,842 in January 1994 established the National Policy for the Elderly (Politica Nacional do Idoso). Under this law, the health-care sector is obliged to:

(a) Assure health care for the elderly at the various treatment levels of the Single Health-Care System;

(b) Prevent, promote, protect and recover the health of the elderly through prophylactic programmes and measures;

(c) Adopt and apply operating standards for geriatric institutions and similar supervised by the managers of the Single Health-Care System;

(d) Prepare standards for geriatric hospital services;

(e) Develop forms of cooperation among the State Health Bureaux, as well as those of the Federal District and the municipal districts, and the Geriatrics and Gerontology Reference Centres for training interdisciplinary professional teams;

(f) Include geriatrics as a clinical specialty for federal, state, municipal and Federal District public competitive examinations;

(g) Undertake studies to detect the epidemiological nature of certain diseases affecting the elderly, with a view to prevention, treatment and rehabilitation; and

(h) Introduce alternative health-care services for the elderly.

636. Law No. 8,842 was amended in June 1996, requiring special joint actions by seven ministries. Brazil's National Health-Care Policy for the Elderly (Politica Nacional de Saúde do Idoso) was introduced. Its basic purpose is to encourage a healthy ageing process, maintaining and upgrading the functional capacity of the elderly as much as possible, together with disease prevention and the recovery of the health of those who fall sick, in parallel to the rehabilitation of those whose functional capacities are restricted, ensuring that they can continue to live in familiar surroundings, exercising their functions within society in an independent manner.

637. In terms of improvements in the physical and mental situation of the elderly covered by the National Health-Care Plan for the Elderly (December 1999), mention is made of initiatives to promote a healthy ageing process; maintaining functional capacities; assistance for the health-care requirements of the elderly; rehabilitation for adversely affected functional capacities; training specialized human resources; support for the development of informal care; and support for studies and research.

638. The measures already completed or under way include:

(a) Annual influenza vaccination for elderly persons (in April 1999 for those aged 65 years and older, and from April 2000, for those aged 60 years and older) during the second two weeks of April; indicator: hospitalization rates for respiratory infections;

(b) Anti-tetanus vaccination (every 10 years) for the elderly; indicators: hospitalization rates for tetanus infections and mortality rates;

(c) Annual campaigns since 1999 to carry out cataract operations in order to eliminate waiting lists;

(d) Annual prostate surgery campaigns since 1999 in order to eliminate waiting lists;

(e) Annual hernia campaigns since 1999 in order to eliminate waiting lists;

(f) Preparation of a video entitled Velhice não é doença (Old Age is not a Disease) distributed to the Family Health-Care Teams in order to provide input for discussions among the Community Health-Care Agents. This video has also been run on educational television channels in Brazil, as well as the Canal Futura channel;

(g) Special issue of the publication entitled "Em tempo de ..." targeting Community Health-Care Agents and focused mainly on health-care promotion actions;

(h) Special issue of the publication targeting the Family Health-Care Teams, covering health care for the elderly;

(i) Video of the Viva Legal programme giving information on health care for the elderly, targeting the elderly, their families and the community, aired on TV on the Future channel;

(j) A three-minute video included in the "Pergunte ao Doutor" (Ask the Doctor) series on nutrition, physical exercise and ageing, aired on educational television channels throughout Brazil;

(k) A three-minute video included in the "Pergunte ao Doutor" (Ask the Doctor) series on preserving and upgrading cognitive functions and memory, aired on educational television channels throughout Brazil;

(l) A leaflet entitled "Viva mais e melhor" (Live Longer and Better) distributed to the elderly who were vaccinated, with a total of 8,450,000 leaflets produced;

(m) Use of the vaccination campaign promotional video targeting the elderly, stressing the need to stay active.

639. In terms of upgrading environmental hygiene and health, the Brazilian Government highlights the following measures that have been adopted.

640. Oversight and control. In Brazil, environmental protection tends to follow the traditional path of punishment and control. Only very limited results have been achieved, as the oversight agencies are poorly equipped and lack the human resources required to prevent or mitigate the negative effects of anthropic activities on the environment. In terms of supervision and control of ports, airports, national borders, customs stations and terminals, environmental control activities are implemented in terms of solid and liquid wastes and garbage controls, as well as climatization and toxic and hazardous loads. The private sector is beginning to implement corporate environmental practices, within a competitive environmental approach prompted by international trade.

641. Key measures are:

(a) The Environmental Crimes Act, regulated through Decree 3179 dated 21 September 1999, which stipulates administrative sanctions - including fines of up to Cr$ 50 million and a ban on polluting activities - as well as prison for more severe crimes. It is believed that the high values of these fines may well curtail initiatives that damage the environment;

(b) Draft Law 255/98, which makes provision for the introduction of a National Water Resources System, including a fee-charging system for the use of water (not yet approved), has been providing guidance and motivation for drawing up Water Resource Master Plans for river basins of different sizes, to be managed by intermunicipal interstate water resources consortia;

(c) Strengthening of Brazil's National Public Health Laboratories System through the VIGISUS Project/Ministry of Health, in order to provide back-up for epidemiological surveillance activities, as well as sanitary surveillance. The National Sanitary Surveillance Agency exercises laboratory controls over imported products in order to eliminate the sanitary risks of products that are not suitable for consumption and guarantee the quality of the products and services rendered to the population. The VIGISUS project also includes the development of methodologies for environmental surveillance, focused on a participatory approach involving communities exposed to environmental pollution.

642. At the regional level, as well as the South American and southern hemisphere levels, it should be stressed that Brazil is a signatory at the MERCOSUR level to the Protocol Additional to the Treaty of Asuncion on the Environment, which stipulates the harmonization of environmental laws, increased regional cooperation, an exchange of information, and the promotion of policies preventing environmental degradation, in parallel to the harmonization of

standards in terms of licensing and assessment of environmental impacts. Under subworking group 11 on health, topics are being discussed such as sanitary controls for means of transportation, import/export of products with assessment of public health risks, travellers and establishments rendering services and providing goods; information systems among the States parties and the harmonization of oversight procedures among them; as well as regulations for the sanitary management of solid wastes, garbage and wastewater at ports, airports and border stations, in order to comply with the Basel Convention on transborder shipment of hazardous wastes.

643. On this point, the Brazilian Government mentions the actions that have been implemented in order to upgrade sanitation standards in communities whose health-care indicators denote the presence of diseases caused by non-existent or inadequate sanitation facilities.

644. The National Health Foundation under the Ministry of Health provides technical and or financial support for the implementation of sanitation activities in the municipal districts based on epidemiological and environmental health criteria targeting the promotion of health care and the prevention and control of diseases and illnesses, particularly reductions in the infant mortality rates. Working closely with government entities and agencies, it provides consulting services and technical and/or financial assistance for implementation sanitation actions.

645. From 1995 through 1999, the National Health Foundation (FUNASA) invested Cr$ 890,640,000 in sanitation in Brazil, benefiting 11,430,000 inhabitants in 3,500 municipal districts, 80 per cent of them with a population of less than 30,000. In all, 7,523 projects were implemented.

646. Listed below are some examples of the effects of sanitation activities on health:

(a) Good quality water for human consumption with ongoing supplies guarantee reduction and control of diarrhoeas, cholera, dengue, yellow fever, trachoma, hepatitis, conjunctivitis, poliomyelitis, scabies, leptospirosis, typhoid fever, schistosomosis and other diseases caused by worms;

(b) Regular collection, processing and permanent disposal of garbage reduces the number of cases of plague, yellow fever, dengue, toxoplasmosis, leishmaniasis, cysticercosis, salmonellosis, teniasis, leptospirosis, cholera and typhoid fever;

(c) Drainage helps eliminate, reduce or modify the breeding sites of vectors carrying malaria, reducing its prevalence and incidence levels;

(d) Sanitation helps reduce or eliminate diseases and sicknesses such as schistosomosis, other diseases caused by worms, diarrhoea, cholera, typhoid fever, cysticercosis, teniasis and hepatitis;

(e) Sanitary improvements in households are reflected in reductions in schistosomosis, other diseases caused by worms, scabies, trachoma and conjunctivitis, cholera, diarrhoea, typhoid fever and hepatitis;

(f) Better housing facilities ensure that homes have no gaps or splits, offering physical conditions that prevent the development of colonies of vectors carrying Chagas disease.

647. As mentioned earlier, measures related to malaria control are covered by the Malaria Control Actions Step-Up Plan for Legal Amazonia (Plano de Intensificação das Ações de Controle da Malaria na Amazônia Legal). Its objective is to expand malaria control activities throughout the Amazon region, reducing its morbidity and mortality rates to sustainable control levels and avoiding the appearance of location-specific epidemics, with less severe attacks and a consequent shrinkage in the hospitalization and death rates. This plan will be introduced in 254 municipal districts in Legal Amazonia in order to provide support for structuring local health-care systems, under a political commitment among all three spheres of government, building up their capacity to coordinate and implement the actions required under the Malaria Control Programme, thereby strengthening the decentralization process and ensuring its sustainability.

648. The introduction of these activities into the schedules of the Family Health-Care Programme and the Community Health-Care Agents Programme, is also expected to fine-tune the basic health-care activities undertaken by municipal districts in the Amazon region, where malaria disease is the primary cause of morbidity. Due to its high incidence rates, malaria has become a severe problem in the indigenous areas of Amazonia, where the vast majority of the population living in municipal districts is rated as high risk. Consequently, this plan makes provision for actions implemented in close contact with the Indigenous Sanitary Districts (Distritos Sanitários Indígenas) which assures better-coordinated local actions with more immediate effects on this endemic disease. The plan also works closely with the Public Health Engineering Department (DENSP - Departamento de Engenharia de Saúde Pública) of FUNASA, due to its ability to network with other peer sectors as well as its technical capacity to provide support for states and municipal districts using epidemiological criteria to select the areas and measures to be implemented.

649. This plan also makes provision for the use of selective vector control strategies that should deploy preselected measures, including spraying with insecticide, environmental sanitation projects and others.

650. It is also expected to forge ahead with the strategy of extending the diagnosis and treatment network, in order to achieve steady shrinkage in the time between taking the blood sample and its diagnostic examination in order to adopt appropriate, prompt treatment. In parallel, the maintenance and expansion of the training programme for physicians and paramedical workers treating patients with severe malaria is another important measure to be adopted as a way of avoiding hospitalization and lowering the mortality rates.

651. Upgrading and strengthening the implementation of the Malaria Information System (SISMAL - Sistema de Informação em Malaria) is another important decision to be implemented. A good data system is vitally important for the success of control activities. Through fast, high-grade information, the plan managers will be able to take decisions that will reduce the occurrence of this endemic disease. The Malaria Information System (SISMAL) is today a powerful tool that partially responds to the managerial and operating requirements of the Malaria Control Programme. However, once reformulated and modernized, its performance will certainly improve, providing support for these activities.

652. Based on the initiatives implemented under this plan, the proposed development of a surveillance and monitoring system called the Geographical Information System (SIG - Sistema de Informação Geográfica) is expected to take place, in cooperation with PAHO, as well as in partnership with other institutions providing support for the Integrated Malaria Control Programme. This system includes the possibility of electronic mapping and charting that will arrange the information into various components (epidemiological, environmental, operational, social and economic) in addition to underpinning the multi-cause analyses explaining the occurrence of malaria. The Malaria Geographical Information System will allow rapid, easy observation of factors predicting the occurrence of malaria, particularly in the Amazon region, while also assuring effective monitoring of control measures. It is important that these systems should be able to provide feedback for the malaria prediction, monitoring and control activities at all levels of government.

653. Other measures for controlling communicable diseases include:

(a) Emergency Plan for the Eradication of Measles in Brazil by year-end 2000;

(b) Maintenance of the eradication of poliomyelitis;

(c) Elimination of neonatal tetanus;

(d) Elimination of human rabies transmitted by household animals;

(e) Upgrading the Meningitis Epidemiological Surveillance Scheme;

(f) Cholera control;

(g) Introduction of the epidemiological surveillance scheme for diseases transmitted by food;

(h) Introduction of a vaccine against type B Haemophilus influenzae;

(i) Introduction of a vaccine against influenza;

(j) Even vaccine coverage in all municipal districts.

The measles situation in Brazil

654. Until the early 1990s, measles was endemic in Brazil, with epidemics occurring every two or three years. During this period, it was noted that among the infectious and contagious diseases that could be prevented by vaccination, measles was the disease causing the largest number of deaths due to complications, particularly in undernourished young children.

655. In 1992, this epidemiological situation prompted the Brazilian Government to introduce the National Measles Elimination and Control Plan (Plano Nacional de Controle e Eliminação do Sarampo). The kick-off event for this plan was the National Vaccination Campaign run from 22 April through 25 May 1992, during which over 48 million children and adolescents were vaccinated, aged 9 months to 15 years of age, achieving coverage of 96 per cent. The effects of this vaccination campaign were immediate, resulting in an 81 per cent reduction in the number of cases notified, which fell from 42,435 cases in 1991 to 7,934 in 1992.

656. Despite all these efforts and the steady drop in the number of cases through 1996, there was a significant outbreak of measles in 1997 that extended throughout almost the entire country, with over 53,000 cases confirmed, most in the capital of São Paulo State. The age group most heavily affected was infants under the age of 1 year, more specifically breast-fed babies under 9 months of age, who accounted for 70 per cent of the cases. The next most severely affected group was young adults aged 20-29 years. The reappearance of measles proved that this disease still represents a public health problem in Brazil, requiring more intensive actions under the Measles Eradication Plan.

657. It is important to stress that, like smallpox or poliomyelitis, measles is an eradicable disease, due to its epidemiological characteristics: its only hosts are human beings; there is an effective vaccine; there are no sub-clinical cases; after vaccination or disease, immunity is long-lasting. At the same time, experience has confirmed that it is quite impossible to keep measles "under control" without the appearance of cyclical outbreaks, due to the rapid build-up of susceptible victims and the high transmission rates of this virus. The epidemiological and social effects of outbreaks of measles are widespread, which has made its eradication the subject of international commitment.

658. The XXIV Pan-American Sanitary Conference held in Washington, D.C. in 1994 unanimously adopted the target of eliminating measles by 2000. The following year, in 1995, at the XXXVIII Meeting of the Steering Committee of PAHO, the Ministers of Health for the countries in the Americas region unanimously approved the Action Plan for the Eradication of Measles by the year 2000.

659. In 1999, in order to underpin the strategies required to consolidate this eradication target, Brazil prepared an Emergency Action Plan, setting up a National Task Force in order to implement a series of epidemiological surveillance and control actions in all 27 states of Brazil.

660. The overall objective is the eradication of the autochthonous transmission of the measles virus in Brazil by the year 2000, with the specific objectives of achieving and maintaining vaccine coverage of 95 per cent or more for infants under the age of 1 year in all municipal districts and implementing the National Epidemiological Surveillance System in order to break

the measles transmission chain in Brazil. These are challenging, long-term targets: ensuring that 100 per cent of the municipal districts achieve and maintain measles vaccine coverage in infants under the age of 1 year at 95 per cent or more, ensuring that national follow-up measles vaccination campaigns are run on a non-discriminatory basis for children under 5 years of age, achieving a minimum coverage level of 95 per cent in all municipal districts by 2000, ensuring that at least 80 per cent of the notifying units meet the weekly notification requirement (positive/negative) in a timely manner, ensuring that at least 80 per cent of the cases notified are investigated within the first 48 hours (timely investigation), ensuring that at least 80 per cent of the cases notified take adequate serology samples (from the first to the twenty-eighth day of the rash), ensuring that at least 80 per cent of the cases notified are classified on the basis of laboratory diagnoses and epidemiological links (confirmed and discarded), ensuring that the results of the laboratory examinations are issued within seven days after the arrival of the sample of the referenced laboratory for at least 80 per cent of the cases with samples, and ensuring that at least 80 per cent of the cases notified are completed within 30 days of notification.

661. These strategies focus on the following aspects: maintenance of the task force for the eradication of measles in the states; maintenance of technical and logistical support for the staff at the national level in order to ensure proper conduct of the Measles Eradication Plan; running capacity-building courses for human resources in the states and municipal districts covering surveillance of feverish measles or rubella rashes; more intensive technical supervision for the states and municipal districts; advisory technical services for high-priority states and municipal districts; more intensive searches for suspect cases; technical meetings held to assess the epidemiological surveillance system for feverish measles or rubella rashes; running a nationwide mass media campaign to publicize the Year 2000 without Measles Target for the population in general; continuous feedback of information for health-care practitioners in the various units and at the various government levels; heightening awareness among health-care practitioners in the various units and at the various government levels through the introduction of specific information channels and the dissemination of information on the Measles Eradication Plan through specialized outlets; ensuring adequate supplies of kits for carrying out serological examinations; targeting health-care education actions that are currently under way in Brazil and focused on measles towards the Year 2000 without Measles Target; more intensive routine vaccination; offer of extramural vaccination facilities; implementation of vaccine cordons for every suspect case; implementation of clean-up vaccination operations on a house-to-house basis for every confirmed case; vaccination of high-risk groups (young adults and groups housed in institutions); establishment of the National Measles Eradication Commission.

Ongoing eradication of poliomyelitis in Brazil

662. The last case of poliomyelitis caused by wild polio virus was detected in Brazil in 1989. In 1994, poliomyelitis was certified as eradicated in Brazil by PAHO/WHO. As this disease has not yet been fully eradicated worldwide, it is necessary to maintain control activities with high vaccine coverage rates using the oral poliomyelitis vaccine, while also maintaining a sensitive epidemiological surveillance system that can detect any possible future reintroduction of this virus into Brazil.

663. Brazil has managed to maintain high vaccine coverage rates through the oral poliomyelitis vaccine during both special campaigns as well as routine vaccinations, with this coverage expanding steadily. However, since 1994, a drop has been noted in the quality indicators for epidemiological surveillance of acute flaccid paralysis. In 1998, the notification rate for this disease reached 0.7 per cent per 100,000 inhabitants, dropping to only 0.2 per cent per 100,000 inhabitants in 1999, compared to the detection target of 1 case per 100,000 inhabitants under the age of 15 years. The false feeling of security conferred by eradication, in parallel to pressures demanding the allocation of scarce human and material epidemiological surveillance resources in the states and municipal districts to deal with other more visible problems (outbreaks of dengue, AIDS, meningococcal disease, etc.) and the decentralization of these activities to the municipal districts without the necessary technology transfers are just some of the factors that could constitute the reasons for the failing quality of acute flaccid paralysis surveillance figures.

664. The occurrence of a major poliomyelitis outbreak in 1999 in Angola - a country with close cultural and commercial contacts with Brazil - underscores the need to maintain the acute flaccid paralysis surveillance system in order to assure the detection of any possible future reintroduction of wild polio virus into Brazil.

665. The general objective is to maintain poliomyelitis as eradicated in Brazil, with the following specific objectives: ensuring the maintenance of high, even vaccine coverage rates using the oral poliomyelitis vaccine for the population under 5 years of age in all municipal districts throughout Brazil; ensuring the maintenance of the epidemiological surveillance system for acute flaccid paralysis at adequate levels of sensitivity and specificity, achieving the targets established for the quality indicators set for this system.

666. These targets can be described as follows: ensuring vaccine coverage rates of over 90 per cent using the oral poliomyelitis vaccine in all municipal districts throughout Brazil (see specific project); notification rate of at least 1 case per 100,000 inhabitants under the age of 15 years for acute flaccid paralysis for every state in Brazil; at least 80 per cent of the cases of acute flaccid paralysis should be investigated within 48 hours after notification; at least 80 per cent of the cases of acute flaccid paralysis should be analysed through proper collection of two faeces samples to isolate the virus; at least 80 per cent of the notifying units should issue negative notifications on a weekly basis.

Efforts to eliminate neonatal tetanus

667. It is not possible to eradicate neonatal tetanus as its etiological agent (Clostridium tetani bacteria) is widely disseminated in nature. However, the occurrence of neonatal tetanus can be eliminated by vaccinating women of fertile age.

668. The existence of a high-efficacy, high-effectiveness, low-cost vaccine a key factor in neonatal tetanus control strategies. With the appearance of large-scale immunization programmes, the occurrence of neonatal tetanus has fallen steeply worldwide, with this disease limited to the underdeveloped countries. Its occurrence is viewed as an indicator of precarious living standards and poor health-care conditions.

669. In 1989, the World Health Assembly approved a resolution proposing the elimination of neonatal tetanus worldwide by 1995. This resolution was ratified by the Steering Committee of PAHO in 1991, and included in the four-year plan prepared by Brazil's Ministry of Health/National Health Foundation (FUNASA) to eliminate neonatal tetanus in Brazil by 1995. The introduction of the Neonatal Tetanus Elimination Plan in Brazil began in 1992.

670. Since 1983, a steady drop in the number of detected cases and the incidence of neonatal tetanus has been noted in Brazil. This drop grew steeper after the introduction of the Elimination Plan. Despite this reduction, Brazil was unable to achieve its target of eliminating neonatal tetanus by 1995. Over the past four years (1996-1999) the number of cases notified nationwide has remained at under 100 cases/year. Most of the cases notified over the past five years are clustered in north and north-east Brazil, with the occurrence of neonatal tetanus recorded even in some state capitals. Despite the higher concentration of cases in these regions, sporadic occurrences are also noted in almost all parts of Brazil.

671. In order to achieve its elimination target, it is necessary to vaccinate women of fertile age more intensively, while also stepping up epidemiological surveillance activities, focused particularly on states and municipal districts with low vaccine coverage rates and with no case registration (silent municipal districts), as well as those that have registered cases over the past five years (high-risk municipal districts).

672. The overall target of eliminating neonatal tetanus is supported by the specific objectives of extending the vaccine coverage rate of women of fertile age, stepping up epidemiological surveillance activities, assigning high priority to high-risk states and silent municipal districts, wider dissemination of the Neonatal Tetanus Elimination Plan, upgrading prenatal, labour and birth conditions, as well better newborn care facilities.

673. The targets include 90 per cent vaccine coverage rates for women of fertile age, capacity-building for all high-risk and silent municipal districts and detection of all cases of neonatal tetanus. To achieve this, the following strategies have been confirmed: more intensive vaccination of women of fertile age; enhanced awareness among health-care practitioners and authorities of the importance of eliminating neonatal tetanus and vaccinating women of fertile age; capacity-building for the epidemiological surveillance staff in states and municipalities, urging the implementation of neonatal tetanus control and surveillance activities; heightened awareness among practitioners working for the Family Health-Care Programme and Community Health-Care Agents Programme stressing the target of eliminating neonatal tetanus and vaccinating women of fertile age, as well as the welfare network workers, focused specifically on the 10 child-friendly hospitals; disclosure through regional and local communications media of tetanus vaccination among women of fertile age during two multi-vaccine campaigns, as well as routine vaccination.

Actions to eliminate human rabies transmitted by domestic animals

674. In 1973, the National Rabies Prevention Programme (Programa Nacional de Profilaxia da Raiva) was established, designed to eliminate human rabies through controlling canine rabies, which at that time accounted for over 95 per cent of cases of this disease in humans.

675. During the 1980s, Brazil recorded an average of 47 cases of human rabies a year, falling to just over 26 cases a year from 1994 through 1998. Despite this 45 per cent reduction in the number of cases a year, in parallel to technical and scientific advances, the decentralization of activities and the supply of specific immunobiological agents, human rabies still remains a public health problem. Dogs continue to be the main factor in transmitting rabies to human beings, accounting for 75 per cent of cases since 1986.

676. Over the past two years, human rabies has been confirmed mainly in north, north-east and centre-west Brazil. The continuation of human rabies transmitted by domestic animals is quite unjustified, and its elimination in many states and municipal districts confirms the feasibility of this proposal.

677. Government actions have focused on the following specific objectives: controlling rabies transmitted by domestic animals; providing prophylactic treatment for persons exposed to rabies; maintaining epidemiological surveillance activities in order to detect all suspect cases.

678. The targets are to: provide anti-rabies vaccine coverage for at least 80 per cent of the estimated canine/feline population in each municipal district; provide prophylactic treatment for all persons exposed to this disease; carry out laboratory examinations of 0.2 per cent of samples of the estimated canine/feline population in each municipal district; cordon off all foci of canine and/or feline rabies; carry out laboratory diagnosis for all patients whose death is compatible in either clinical diagnostic or epidemiological terms; reduce the drop rate for anti-rabies treatment of humans by at least 50 per cent compared with 1998.

679. The following strategies have been established in order to achieve these targets: implementing activities jointly with the Epidemiological Surveillance Coordination Unit (Coordenação de Vigilância Epidemiológica) and the Environmental Surveillance Coordination Unit (Coordenação de Vigilância Ambiental) of CENEPI; standardizing estimates of the canine population by state, based on the vaccine coverage rates for the last two campaigns; review of the technical standards for prophylactic anti-rabies treatment in human beings; introduction of laboratory diagnosis system in Tocantins, Roraima, Amapá, Rondônia, Rio Grande do Norte, Pernambuco, Sergipe and Alagoas States; capacity-training for health-care practitioners in anti-rabies prophylactic treatment for human beings; dissemination of prophylactic measures for treating rabies at health-care units in order to care for people attacked by domestic animals; running a nationwide campaign in the mass communications media to advise the population in general of the need to keep domestic animals vaccinated against rabies as a way of achieving the targeted vaccine coverage rates, while supporting routine vaccination; urging municipal districts to disseminate the implementation of anti-rabies vaccine in their routines; disclosure of information on rabies prevention and prophylaxis for the owners of domestic animals through partnerships with specialized trade and industry; carrying out a canine/feline census through the next human census undertaken by the Brazilian Institute of Geography and Statistics (IBGE - Instituto Brasileiro de Geografia e Estatística); identification through viral classification of samples in humans of rabies in the wild and the first case of animal rabies in any specific area over the past six months; phasing-in of cell culture anti-rabies vaccine for human beings from 2000 onwards; implementation of the information subsystem in order to chart and monitor human and animal rabies by municipal districts on a monthly basis; cordoning off foci, in parallel to animal population control and forwarding samples to laboratory; support for canine

population dynamics surveys; introduction of the canine anti-rabies vaccine as a routine practice in all municipal districts; running at least two vaccination campaigns a year in municipal districts reporting cases of animal rabies, supported by dissemination in local and regional communications media; strengthening the CCZ (Centro de Controle de Zoonoses) network; technical advisory and supervisory services for the states and municipal districts; organization of technical and scientific events and/or meetings.

Upgrading epidemiological surveillance activities for meningitis

680. The term meningitis describes an anatomical, physical and pathological state that is characterized by inflammation of the meninges, the membrane surrounding the anatomical structures that constitute the central nervous system. In clinical terms, the various types of meningitis run through a series of symptoms that can vary from oligosymptomatic situations through to severe cases that may at times lead to death.

681. In etiological terms, the various types of meningitis may be related to a wide variety of agents, not necessarily infectious. For the public health and particularly the epidemiological surveillance authorities, infectious types of meningitis caused by communicable etiological agents are of much importance.

682. A wide variety of infectious agents may be involved in the occurrence of meningitis: viruses, bacteria, fungi and protozoaria. The most important are the bacterial and viral types of meningitis, from the public health standpoint, due to the scope of their occurrence, potential for transmission, pathogenetic nature and social significance. Outstanding among the former are meningococcal meningitis, whose epidemiological agents are the different types of Neisseria meningitidis bacteria, as well as meningitis caused by type B Haemophilus influenza, meningitis caused by pneumococcus (Streptococcus pneumoniae) and tuberculosis meningitis (Mycobacterium tuberculosis).

683. Due to its endemic/epidemic epidemiological behaviour, particularly in certain undeveloped parts of the world such as Africa and Latin America, with periodic outbreaks of large-scale epidemics frequently resulting in large numbers of deaths, the meningococcal types of meningitis are highly relevant in social terms, causing panic and demands for medical and social intervention.

684. Still well to the fore in the memory of Brazilian society is the massive outbreak of meningococcal meningitis during the 1970s, whose epicentre was located in São Paulo but which spread nationwide. The inadequate manner in which the military Government of that time dealt with this issue - treating the epidemic as a "matter of national security" and preventing its disclosure for several years - increased the feeling of panic among the population, in addition to strengthening mistrust of government actions. When it finally acknowledged the occurrence of this epidemic, the military Government implemented a measure that was to produce wide-ranging effects in both epidemiological and political terms: it organized a vast nationwide campaign to vaccinate the entire population with French anti-meningococcal type A + C vaccine which until then had not been used on such a large scale and had not been proven effective.

685. Possibly due to a blend of these two factors - the effect of the vaccine and the expected life-span of the epidemic - as the number of people susceptible to the disease fell, the disease was brought under control shortly after the vaccination campaign. The apparent "success" of the vaccine was to have serious political and ideological consequences over the longer term in the mind of the Brazilian population, which believed that "meningitis can be fixed with vaccine", whose repercussions are still felt today, a quarter of a century later.

686. The 1980s saw the appearance of epidemics of meningococcal disease, although on a smaller scale and with a different characteristic: this time, the main culprit was a different variant of the Neisseria meningitidis bacteria - its B serum group, on which the existing vaccine had no immunogenic effects.

687. The vaccine controversy reappeared at the end of that decade, with the development of a vaccine produced by a Cuban laboratory that was effective against type B meningococcus. Although neither its efficacy nor its effectiveness had been proven, this product was shipped to Brazil, driven by political pressures, and was widely used from 1990 through 1997. Its effectiveness was not proven in most of the situations in which it was used in Brazil. Nevertheless, it is still causing controversy even today that extends beyond the borders of technology, spilling over into politics and ideology, and touching on commercial and economic interests.

688. The various types of meningitis therefore constitute a complex, multifaceted problem: these are different diseases that demand different control strategies, although they are generally viewed as a single element.

689. Surveillance and control actions basically depend on the ability to reach an etiological diagnosis. To do so, all the components in this system must function smoothly: medical care, public health laboratories, and the surveillance and control units.

690. The current situation is somewhat bleak. Medical care is precarious, particularly in the more remote parts of inland Brazil. Diagnoses are frequently not made because the physicians lack the capacity to carry out a spinal tap to collect fluid. Even when lumbar puncture is possible, at times it is difficult to forward this material under proper conditions to the central laboratory. And even if all these difficulties are overcome, at times the case notification (generally handled by the hospital networks) or the results of the examination are slow to be transmitted, curtailing the effectiveness of the control measures that could be adopted. As a result of all these bottlenecks, most cases of bacterial meningitis in Brazil lack etiological diagnosis. Even in the best equipped states, the proportion of cases of bacterial meningitis with etiological diagnoses reached through cultures barely tops 40 per cent. Several states, particularly in northern Brazil, do not issue even one etiological diagnosis of meningitis in the course of an entire year. In parallel, the demands for meningitis vaccine continues to rise, urged by mayors, town councils, legislative assemblies, and even the judiciary.

691. Finally, in 1999 a vaccine was introduced against type B Haemophilus influenzae for the basic vaccination scheme for infants under the age of one year. It is now necessary to assess the effects of this measure on the incidence of cases of meningitis caused by this bacteria.

692. The specific objectives are to: upgrade the quality of medical care for meningitis patients; improve laboratory diagnostic techniques for meningitis; upgrade epidemiological investigation of cases of meningitis, ensuring the timely implementation of control measures; and draft a national policy on research and use of vaccine products used against Neisseria meningitidis.

693. The following targets have been established: organize joint technical advisory visits to the states involving surveillance and epidemiological actions, medical care and laboratory diagnosis; encourage the integration between the fields of medical care, epidemiological surveillance and laboratory diagnostics; increase to 80 per cent the proportion of bacterial meningitis cases diagnosed through culture; define a national policy for vaccines against Neisseria meningitidis.

694. The established strategies focus on the following: technical advisory visits to the states; reactivating the Technical Meningitis Advisory Committee; organizing the meetings of this Committee; reviewing the technical epidemiological surveillance standards for meningitis; upgrading information on the occurrence of meningitis; encouraging integration among the areas providing medical care, laboratory diagnostics and epidemiological surveillance facilities; encouraging surveys on the use of vaccines for controlling meningitis; assessing the impact of introducing the vaccine against type B Haemophilus influenzae on the incidence of meningitis; hiring a consultant to run the databases containing the historical series on meningitis; organizing activities involving journalists in order to expand press coverage of meningitis and the demand for vaccines; reorganizing health-care education actions focused on meningitis in order to clear away myths about the role of vaccines in preventing this disease, offering an overview of the complexity of and differences among the various types of meningitis.

Cholera control

695. Cholera reappeared in Brazil in 1991 in the Amazon region, after it was introduced in South America through Peru. During the three subsequent years, this disease spread to other parts of the country, particularly the north-east. This epidemic peaked in 1993 with 60,340 confirmed cases, over 90 per cent of them in the north-east. From 1995, a significant drop was noted in the number of cases detected, which were clustered solely in certain states in north-east Brazil. However, cholera reappeared in Brazil in 1999, with 4,484 cases confirmed by October. The occurrence of two outbreaks outside the north-east was also noted, one in Paranaguá, Parana State, in April and May with 467 cases, and the other in Pedra Azul, Minas Gerais State, with 8 cases.

696. Cholera became endemic in north-east Brazil due to the precarious living conditions of much of its population. The possible reasons for the reappearance of this disease may well include the drought that hampers access to decent-quality drinking water, as well as the build-up of the population susceptible to this disease, due to the reduction in immunity conferred by earlier epidemics. The outbreak in Paranaguá was explosive but was brought rapidly under control, as it did not spread to other nearby municipal districts and was possibly related to the consumption of raw seafood. The outbreak at Pedra Azul was minor.

697. In view of the impossibility of solving basic sanitation problems over the short term, it is vital to introduce integrated epidemiological, environmental and sanitary surveillance actions, as well as early diagnosis and treatment facilities, in parallel to health education, all designed to reduce the effects of cholera in terms of morbidity, mortality and death rates, as well as its economic and social repercussions.

698. The objectives are the following: detect alterations in the epidemiological conduct of diseases involving acute diarrhoea, in order to introduce cholera control measures in a timely manner; prompt detection of the appearance of the Vibrio cholerae in water bodies, in order to implement emergency cholera prevention and control measures; encourage integrated action involving epidemiological, environmental and sanitary surveillance activities, as well as laboratory diagnostics; involve the health education areas in order to control the dissemination of this disease, reducing its incidence and mortality rates.

699. The established targets include: implementing the Acute Diarrhoeal Diseases Monitoring Programme (MDDA - Programa de Monitorização das Doenças Diarréicas Agudas) in all 27 states of Brazil, assigning top priority to the north and north-east, as well as high-risk areas in other parts of the country; ensure rapid detection and adequate investigation of all outbreaks of cholera; detect the appearance of the V. cholerae in the environment through environmental surveillance and checking the quality of the water intended for human consumption.

700. The strategies include capacity-building for human resources in the states and municipalities for implementing the Acute Diarrhoeal Diseases Monitoring Programme (MDDA); providing direct technical support for states and municipal districts to investigate outbreaks of cholera; revising the Integrated Cholera Control and Prevention Handbook (Manual Integrado de Prevenção e Controle da Cólera); reviewing the instruction materials for capacity-building in monitoring acute diarrhoeal diseases; the transfer of funds under agreements with the State Health Bureaux in north-east Brazil, underwriting the implementation of activities under the Emergency Cholera Control and Prevention Plan for north-east Brazil (Plano Emergencial de Prevenção e Controle da Cólera no NORTHEAST); the transfer of funds under agreements for implementing actions under the Emergency Cholera Control and Prevention Plan in Paraná (Plano Emergencial de Prevenção e Controle da Cólera no Paraná); preparation of educational material and organization of the capacity-training course for the multiplicatory agents of the Acute Diarrhoeal Diseases Monitoring Programme in indigenous areas; scheduling the distribution of sodium hypochlorite to 2.5 per cent of the 27 states in Brazil, handled by CODAMED/Ministry of Health; ensuring capacity-building for all states through the Public Health Laboratories, in order to undertake etiological diagnoses of outbreaks of acute diarrhoeal diseases; more intensive dissemination of existing tools in regional and local communications media in municipal districts tagged as high-priority under the Emergency Cholera Control and Prevention Plan for north-east Brazil; more intensive health education activities in municipal districts ranked as high priority under the Emergency Cholera Control and Prevention Plan for north-east Brazil; more intensive dissemination of cholera prevention measures through the Family Health-Care Programme, Community Health-Care Agents and agents working for the

Children's Pastoral Movement (Pastoral da Criança); fine-tuning cholera prevention dissemination activities organized by passenger transportation companies; disclosure of cholera identification and diagnosis measures through the health-care network in order to ensure prompt detection of this disease.

Epidemiological surveillance of diseases transmitted by food

701. A significant increase has been noted worldwide in recent years in the occurrence of diseases transmitted by food. Countless factors are involved in this increase, including expanding population in parallel with rapid urbanization, particularly in the developing countries, resulting in the need to boost agricultural output, in particular by more intensive pesticides despite the lack of effective controls; the trend among the urban population to opt for ready-to-eat foods (fast foods); expanding use of places providing mass eating facilities; rising consumption of food items on the street. All these factors are behind the increase in the consumption of processed food with greater use of additives, the consumption of fresh foods (leafy and root vegetables, as well as fruits) without the necessary hygienic handling and disinfection, and globalization and streamlined international trade facilities that allow the rapid distribution of food to a wide variety of destinations.

702. Countries equipped with epidemiological surveillance systems for diseases transmitted by foods have been detecting an increasingly large number of outbreaks that are affecting rising numbers of people. An increasing number of micro-organisms and chemical contaminants are involved in diseases transmitted by food. To an increasing extent, these outbreaks of diseases transmitted by food are moving away from the type popularly known as "wedding-party potato salad", instead featuring clinical situations that are relatively non-specific, affecting a large number of people in different towns or even countries. This is a problem that is growing increasingly more complex, requiring investigation and control strategies that are also more sophisticated and broader-ranging.

703. Before this initiative, implemented by CENEPI/National Health Foundation (FUNASA), Brazil had no nationwide epidemiological surveillance system for diseases transmitted by food. The objectives of this initiative are: to reduce the incidence of diseases transmitted by food in Brazil; to understand the epidemiological conduct of diseases transmitted by food among the Brazilian population; to identify food shipping and production practices and technologies, as well as food services that offer higher risks of diseases transmitted by food; to identify the places, foods and etiological agents more likely to be involved with outbreaks of diseases transmitted by food; to provide feedback for the preparation and implementation of proposals designed to prevent and control diseases transmitted by food; to introduce ongoing education activities for health-care practitioners, as well as food producers and service-providers, in addition to consumers, ushering in good food storage, handling and preparation practices.

704. The targets established are: to prepare and disseminate the epidemiological surveillance standards and guidelines for diseases transmitted by food; to provide capacity-building facilities for epidemiological surveillance professionals and key laboratories in state capitals, municipal

districts and the states themselves in order to implement the epidemiological surveillance facilities for diseases transmitted by food; to heighten awareness among health-care providers and the population of the importance of notifying outbreaks of diseases transmitted by food; to structure a National Botulism Reference Centre.

705. To accomplish these tasks, the following strategies were established: to prepare the Integrated Prevention and Control Handbook for Diseases Transmitted by Food (Manual Integrado de Prevenção e Controle das DTA); to organize annual nationwide seminars on epidemiological surveillance practices for diseases transmitted by food; to organize staff capacity-building courses in epidemiological surveillance for diseases transmitted by food; to publicize the epidemiological surveillance practices for diseases transmitted by food at universities and nutrition colleges in Brazil; to encourage partnerships with consumer protection entities as a way of keeping the population informed about diseases transmitted by food; to introduce permanent mechanisms for advising travellers about diseases transmitted by food; to disclose preventive measures for dealing with diseases transmitted by food among specific sectors (industrial canteens, supermarkets, cooking programmes aired on television, school lunch preparation staff and others); implementation of the epidemiological surveillance project for diseases transmitted by food at all state Health Bureaux and Municipal Health Bureaux in state capitals; capacity-building at key laboratories for carrying out human etiological diagnoses for diseases transmitted by food and the bromatological analyses required to investigate diseases transmitted by food.

Introduction of vaccine against type B Haemophilus influenzae (HIB)

706. Forging ahead with its policy of extending universal access to immunization, Brazil's National Immunization Programme (Programa Nacional de Imunizações) also introduced the vaccine against type B Haemophilus influenzae from 1999 to 2000, for the population under two years of age.

707. Several international bibliographies indicate that some two thirds of severe illnesses caused by type B Haemophilus influenzae occur in infants under the age of 18 months. In the developed countries, prior to vaccination, the incidence of invasive infection was 40-130 per 100,000 children under the age of five years. Since the 1980s, type B Haemophilus influenzae has become the main cause of meningitis among children in this age group, peaking between six and nine months, and can be foreseen in more predisposed groups. These types of meningitis have a mortality rate of 1-5 per cent in the developed countries, with 15-30 per cent of the survivors developing permanent neurological after-effects such as convulsions and mental retardation.

708. Analysing the data supplied in May 1999 by COVEPI from the National Epidemiology Centre/National Health Foundation/Ministry of Health, 15,927 cases of meningitis caused by type B Haemophilus influenzae were notified in Brazil from 1983 through 1996 within an overall total of 326,022 cases of meningitis, of which 7,607 (47.8 per cent) affected infants aged under one year and 14,243 cases (89.43 per cent) affected children aged under five years. Meningitis caused by type B Haemophilus influenzae in Brazil is endemic nationwide, with variations in incidence when assessed by state.

709. The vaccine purchased and distributed in Brazil consists of blended capsular polysaccharides, which ensures good immunogenetics for the age group to be vaccinated.

710. In 1999, all states in Brazil implemented vaccination as a routine procedure, with the exception of Acre, Mato Grosso do Sul and Maranhão. This vaccine was very well accepted, and it is believed that it may prompt an update of the basic schemes covering the infant population, as its dosage timing coincides with the DTP (diphtheria tetanus polio) vaccine. This means that its coverage could benefit, with a consequent reduction in the drop-out rate. This implementation drive will take place in Brazil during 2000, when epidemiological impact studies are also planned.

711. Continuation of routine vaccinations after its introduction in each state should be addressed to infants under the age of one year.

712. This product is offered free of charge during routine vaccination at the state referral centres for individuals with special clinical conditions: children aged 2 months to 18 years with functional or anatomical asplenia; children with congenital or acquired immunodeficiency, including symptomatic or asymptomatic AIDS; children under the age of 5 years with cardiovascular disease or severe chronic pneumopathy; as well as bone-marrow transplantees.

713. In the course of 1999, some 4.5 million Brazilian children were vaccinated, leaving some 2 million children still to be vaccinated all over the country under the age of two years, with immunization scheduled for 2000. The three Brazilian states that did not introduce vaccination against type B Haemophilus influenzae during 1999 (Acre, Maranhão and Mato Grosso do Sul) will be doing so from January 2000 onwards.

714. During the course of 2000, COPNI CENEPI will be assessing the epidemiological effects of this vaccine in Brazil. The overall objective is to reduce infant morbidity and mortality rates due to infections caused by type B Haemophilus influenzae, through the introduction of the relevant vaccine nationwide for infants under the age of two years, consequently upgrading the quality of life of the Brazilian population in this age group.

715. More specific objectives include: expanding the supply of vaccines and ensuring control over infections caused type B Haemophilus influenzae during early childhood; vaccinating the entire population under two years of age with type B Haemophilus influenzae vaccine during 1999 and 2000, continuing to vaccinate infants under one year of age after implementation; achieving and maintaining high, even vaccination coverage rates; updating the vaccination status of the population under two years of age by providing doses of vaccine against type B Haemophilus influenzae, and more specifically vaccines against poliomyelitis and DTP; supporting surveys focused on related topics, and more specifically encouraging studies of the epidemiological effects of the vaccine in Brazil.

716. The targets are focused on vaccinating against type B Haemophilus influenzae, with the support of the State and Municipal Health Bureaux, covering the entire population under two years of age during the vaccine implementation phase (1999–2000) in all municipal districts throughout Brazil, complying with the indications stipulated in the standards issued by the PNI.

To do this, the following strategies have been established: guaranteeing vaccine acquisition and supplies in order to ensure full coverage of the target population; discussion with immunization coordinators and the operationalization and staff update for the introduction of this vaccine (December 1998); requesting the states to forward their implementation projects; ensuring the feasibility of capacity-training courses in vaccination rooms in order to ensure team efficiency; feedback to the states through a technical report on the new vaccine; advice and assistance for the states encountering greater difficulties in the implementation process; encouraging studies assessing the impacts of this vaccine in Brazil; disclosure through the mass communications media of the availability of vaccination against type B Haemophilus influenzae during the multivaccination campaign.

Introduction of the influenza vaccine

717. Over the past few decades, sweeping changes have been noted in Brazil's nosological situation - which is a new aspect of public health in Brazil - through the systematic introduction of immunization drives targeting the younger sectors of the population. That these actions have helped control, eliminate and/or eradicate diseases that can be prevented through immunization is reflected in the dropping morbidity and mortality rates for these diseases in the relevant age groups.

718. A good example is the National Immunization Programme (Programa Nacional de Imunizações) run during 1999 and 2000, which is now dealing with a fresh challenge: extending its activities to include senior citizens, forging ahead with the process of providing services for the entire Brazilian population.

719. Timed to coincide with the launch of "Senior Citizens' Year" by the Ministry of Health in 1999, investments were channelled to providing influenza vaccinations for this age group where this disease has been rising appreciably, according to information released by the Brazilian Institute of Geography and Statistics (IBGE - Instituto Brasileiro de Geografia e Estatística): for people aged over 60 years, an increase of 18 per cent took place in the five years from 1992 to 1997.

720. The number of infections caused by the influenza virus clearly becomes more significant as the population includes larger numbers of elderly citizens. Older people and those suffering from chronic diseases run higher risks of post-infection complications. Influenza is significant in particular because of the speed with which epidemics occur, the high morbidity rates and the possibility of severe complications in older citizens. According to studies carried out in countries where it has already been introduced, the influenza vaccine may reduce the need for hospitalization by up to 70 per cent and deaths by up to 85 per cent among senior citizens not living in institutions.

721. The composition of the influenza vaccines purchased and distributed in Brazil complied with the recommendations issued by WHO and were produced from the predominant viral strain circulating in the northern and southern hemispheres each year.

722. The period from March to August has been indicated by the epidemiological surveillance authorities in Brazil as the most vulnerable time for this virus. Consequently, the vaccination campaign was run from 12–30 April 1999, covering citizens aged over 65 at the same time their diphtheria and tetanus vaccinations were brought up to date (accidental tetanus has been shifting to higher age groups over the past few years), as well as offering vaccination against pneumococcus for hospitalized patients, people living in shelters and geriatric homes, patients suffering from chronic pneumopathies, cardiopathies and nephropathies, neoplasias and metabolic disturbances, and immunodepressed patients.

723. The pneumococcus is an important cause of death, with high mortality rates among the elderly suffering from debilitating diseases or whose immune systems are adversely affected. This is even more serious in lower social and economic groups. A high and rising resistance to antibiotic treatment has been noted worldwide and is occurring more frequently, confirming vaccination as the best option. A study of the planned and epidemiological effect of influenza vaccination is schedule for 2000, targeting the population aged over 60.

724. It is important to note that during routine vaccination, the public health-care network offers influenza vaccines free of charge, as well as vaccination against pneumococcus at the state referral centres for persons with special clinical conditions: influenza vaccine for individuals with chronic cardiopathies and pneumopathies, mucoviscidosis, Down's syndrome with at least two episodes of pneumonia and who are HIV-positive; pneumococcus vaccine for adults and children aged over 2 years with anatomical or functional asplenia, hepatic cirrhosis, congenital or acquired immunodeficiency, liquorous fistula, bone-marrow transplants, patients suffering from chronic pulmonary or cardiovascular diseases, and insulin-dependent diabetes mellitus patients.

725. In 1999, the influenza vaccination campaign achieved a coverage rate in Brazil of 87.3 per cent of the population aged 65 years and over (corresponding to 5.32 per cent of the total Brazilian population) vaccinating 7,519,114 senior citizens and proving the good receptiveness of this new product. Among the municipal districts, 88.43 per cent met their vaccination coverage targets by achieving rates of 70 per cent or more (northern Brazil 83.52 per cent; north-east 80.19 per cent; south-east 91.66 per cent; south 97.58 per cent and centre-west 90.58 per cent).

726. Vaccination against pneumococcus, given at the same time as the influenza vaccine, reached 871,913 senior citizens (data subject to review) in clinical situations that predisposed them to infections and subsequent complications, living in hospitals, geriatric homes and shelters.

727. In 2000, the Senior Citizens Vaccination Campaign (Campanha de Vacinação dos Idosos) extended the use of these same immunobiological products to the population aged 60 years and over. From 17–29 April a fresh campaign should be run offering a single annual dose of the influenza vaccine to this entire population, as well as a dose of the pneumococcus vaccine for hospital patients or residents of shelters and geriatric homes who did not receive this vaccine in 1999. The pneumococcus vaccination consists of a single dose, with a booster shot every five years.

728. The reduction in the morbidity and mortality rates among the elderly caused by influenza and pneumonia will help upgrade the quality of life among the population in this age group. The specific objectives of the campaign planned by the Government include expanding the supply of vaccines to ensure wide-ranging coverage of the elderly population; an influenza vaccination campaign covering the entire elderly population in 1999 aged 65 years and over, extending this to 60 years and over in 2000; vaccination in parallel to the influenza vaccination campaign for the elderly in the same age group who are hospitalized or living in shelters and geriatric homes; updating the vaccination situation of the elderly population in terms of diphtheria and tetanus vaccines; boosting the self-esteem and responsibility for their own health among the elderly sector of the population; encouraging the family to seek protection at vaccination units for all biological age groups; support for carrying out surveys and research into related topics, more particularly undertaking a study of the epidemiological effects of this vaccine in Brazil.

729. In 1999 and 2000, these targets included vaccination through a single annual dose against influenza covering 70 per cent of the population aged 60 years and over, with single-dose vaccination against pneumococcus also given to the entire population 60 years and over who were hospitalized or living in shelters and geriatric homes who had not been vaccinated in the past five years; updating the vaccine situation of 70 per cent of the population aged 65 years and over against diphtheria and tetanus; and ensuring that these minimum coverage rates will be achieved in all municipal districts.

730. The strategies outlined for this purpose include: guaranteed acquisition and supply of the vaccine in order to ensure full service of the target population; ensuring the feasibility of capacity-building courses in vaccination rooms in order to ensure the efficiency of the vaccination teams when applying the new product; feedback for the teams involved with immunization in the public sector in order to ensure the efficiency and efficacy of these services; organization of meetings with the Senior Citizens Coordination Unit (Coordenação do Idoso) under the Ministry of Health to discuss this vaccination campaign; establishment of Senior Citizens Vaccination Campaign dissemination and mobilization and dissemination at various levels of government (federal, state and municipal), as well as the use of the adult vaccination card; heightened awareness among the communications media (radio, television, magazines, newspapers, etc.) in order to publicize this new vaccination scheme for senior citizens aged 60 years and over; organization of a nationwide campaign in the mass communications media to publicize vaccination for senior citizens; organization of two nationwide meetings to plan and assess the campaign; requesting the states to forward their vaccination implementation projects; feedback to the states through preparing a technical report on the new vaccine; advisory services and assistance for states encountering greater difficulty in implementing the vaccination campaign; encouragement of studies assessing the epidemiological impact of the introduction of the vaccine, reflected in lower rates of complications caused by influenza and pneumonia.

Homogeneity of the vaccine coverage rates in all municipal districts

731. Global progress achieved during the 1990s in the fields of immunology and epidemiology, particularly with regard to the control of diseases that can be prevented through immunization, has been monitored by Brazil, and is clearly reflected in the sharp drop in the

relevant morbidity and mortality rates. Owing to the support to and strengthening of the epidemiological surveillance services for these diseases in Brazil, immunization activities have continued to ensure the ongoing eradication of poliomyelitis, strive to eradicate measles and eliminate neonatal tetanus by the year 2000, as well as control diphtheria, whooping cough and accidental tetanus, in addition to severe forms of tuberculosis, hepatitis B, yellow fever, congenital rubella syndrome, infections caused by type B Haemophilus influenzae and chickenpox, through routine vaccination at the health-care units in the public health network covering the entire Brazilian population according to the Basic Calendar. Furthermore, Brazil's National Immunizations Programme (PNI - Programa Nacional de Imunizações) makes special immunobiological products available through the Public Health-Care Network at the state referral centres for the portion of the population unable to enjoy the benefits of the basic routine vaccinations at the public health-care units due to clinical conditions constituting counterindication.

732. The main task that is currently being handled by the National Immunizations Programme Coordination Unit consists of inviting the representatives of the Municipal Health Councillors to join in discussions during the decentralization phase in order to ensure the technical and managerial conditions needed to implement the immunization activities properly.

733. The percentage values for the vaccination coverage rates over the past few years have increased on average nationwide, although in a very uneven way, when analysed at the municipal level. This represents an epidemiological vulnerability that could foster the formation and expansion of susceptible groups. In view of this risk, and in accordance with Brazil's 1988 Constitution which establishes the principles of universal access, full facilities and fair treatment for the actions undertaken by the Single Health-Care System, the National Immunizations Programme is investing in and ensuring actions designed to encourage and provide full support for decentralization, building up managerial capacities at all levels in order to ensure the effective deployment of immunization activities; seeking out and firming up major partnerships; providing support for vaccination coverage rate surveys; and supporting the policy of publicizing the services offered.

734. The National Immunizations Programme has organized forums on the decentralization of immunization activities that are attended by the State Immunizations Coordination Units representing the national, state and municipal health-care councils, as well as by many different segments of society, in order to conduct this process in the best possible manner. In 1999, discussions focused on redefining the roles of the directors at the national, state and municipal levels, in order to decentralize the activities of the National Immunizations Programme.

735. The same year, intensive efforts took place among the State Immunization Coordination Units and the representatives of the COSEMS in order to decentralize the actions carried out under the aegis of this programme. From 1992 to 1999, an increase of some 28 per cent was noted in the municipal districts with coverage rates equal to or greater than the recommended levels. During the second nationwide campaign against poliomyelitis the coverage rate was 90 per cent (55.0 per cent in 1992, and 83.0 per cent in 1999).

736. 88.43 per cent of Brazilian municipal districts achieved the target vaccination coverage rate of at least 70 per cent for influenza vaccinations during the campaign targeting senior citizens in April 1999 (northern Brazil 83.52 per cent; north-east 80.19 per cent; south-east 91.66 per cent; south 97.58 per cent; and centre-west 90.58 per cent).

737. Based on the Agreed Integrated Scheduling (Programação Pactuada Integrada), this decentralization process was fine-tuned during 2000; this is vital for achieving the recommended vaccination coverage rates by municipal districts in an evenly distributed manner nationwide.

738. The objectives of this upgrade drive are: to achieve and maintain adequate vaccination coverage rates for all products listed in the Basic Calendar, complying with the targets defined by the National Immunizations Programme in all municipal districts throughout Brazil, thereby ensuring individual and community protection for the Brazilian population; to achieve high, even vaccination coverage rates during the vaccination campaigns run by the National Epidemiology Centre/National Health Foundation (FUNASA)/Ministry of Health in order to ensure control over the diseases that can be prevented by immunization covered by this measure.

739. The targets are designed to cover at least 90 per cent of Brazil's 5,507 municipal districts with adequate vaccination coverage rates, by state, for all the vaccines under the National Immunization Programme, either through routine vaccinations or during campaigns. To do this, the following strategies have been drawn up: guaranteed domestic acquisition and supply of the immunobiological product stipulated in the Basic Calendar in order to ensure full coverage of the target population, as well as vaccine products for use in campaigns; encouraging discussions among the State Immunization Coordinators, ensuring that the adequate homogeneity coverage levels are monitored and assessed in each state with guaranteed participation by the municipal entities; computerization of the process at the nationwide level; preparation of a document to guide the decentralization of activities carried out under the aegis of the National Immunizations Programme; identification of states with low homogenous coverage ratings, monitored through an advisory and supervisory group consisting of the technical experts appointed by the National Immunizations Programme; broad-ranging participation for governmental and non-governmental organizations as well as organized civil society; seeking alliances and partnerships and implementing the supervision tool in Brazil; guaranteed assessments and decision-taking for problems related to the supervision tool coming from each state; implementation of the Post-Vaccination Adverse Events Surveillance System (Sistema de Vigilância de Eventos Adversos Pós-Vacinais) in Brazil; heightened awareness among the communications media (radio, television, magazines, newspapers, etc.) of the importance of publicizing routine vaccination activities on the Basic Calendar recommended by the Ministry of Health, as well as other immunization activity servicing the population; heightening awareness among the state secretaries of health and town councillors of the importance of vaccination coverage in their municipal districts, stressing the Basic Calendar and routine vaccination for children, adolescents and senior citizens; encouraging scientific studies that could pave the way towards reaching the established targets, including analyses of vaccination coverage rates, coverage surveys, studies of missed vaccination opportunities, etc.

740. The dissemination of the rights stipulated in article 12 of the International Covenant on Economic, Social and Cultural Rights was handled through countless mechanisms. The Brazilian Government highlights one of these mechanism: the Canal Saúde health-care channel that has been disseminating information nationwide for the past six years, following global guidelines that assign high priority to promoting health as the process of capacity-building empowering the community to upgrade its own quality of life. Its introduction was a response to the decision taken by the National Health-Care Conferences that identified information, education and communication as strategic tools for implementing the Single Health-Care System, as well as vital aspects for achieving full citizenship. Expanding access to high-quality information is the main function.

741. Redeeming the concept of health, and expanding it to include quality of life has been a major challenge. In order to deal effectively with this challenge, programmes have been designed with many different formats, targeting different sectors of the population. Some of the more outstanding are listed below:

Canal Saúde TVE: social, political, economic and cultural issues are discussed, highlighting their relevance to the field of health;

Acervo: featuring videos produced all over Brazil;

Bate-Papo: talk show with interviews related to government health-care policies;

Canal Aberto: coverage of conferences, congresses, seminars and other events of interest to the field of health care;

Comunidade em Cena: documentaries portraying successful experiments and experiences, produced in partnership with community television stations;

E Com Você Cidadão: fostering citizenship and heightening awareness of rights and duties;

Ligado em Saúde: replies to questions sent in by viewers all over Brazil;

Mesa-Redonda: round-table discussions with leading practitioners in the field of sexually transmitted diseases/AIDS about successful experiences that could be reproduced throughout the country;

Papo Saudável: teenagers and their views on many different issues in the field of health;

Se Liga: videos made by a wide variety of producers focusing on issues of interest for the prevention and combat of sexually transmitted diseases and AIDS; sexuality, drugs and violence;

Teleconferência: headed by a mediator, discussants explain how nationwide projects and policies are drawn up in Brazil, clearing up doubts put forward by viewers and practitioners in auditoriums all over Brazil, broadcast live;

Telelab: distance education programme run by the STD/AIDS National Coordination Unit for practitioners working in laboratories;

Uni-Diversidade: based on the opinions and statements of university students, this programme offers an overview of the lines of thought of future practitioners in Brazil.

742. During 2000, 304 videos (programmes) are scheduled for production, to be aired by the Canal Saúde health-care channel, each lasting one hour, for release over open-channel and cable television, as well as 1,160 one-hour programmes for closed-channel (satellite) release.

743. The Canal Saúde health-care channel is broadcast through the National Educational Television Network (Rede Nacional de TVs Educativas) with 800 broadcasting and relay stations all over Brazil; the Executive Channel of Embratel; the Amazon Television Network (AMAZON SAT); the NET subscription television system that airs the TVE Educational Channel in Rio de Janeiro; the SKY system which airs the TVE Educational Channel in Rio de Janeiro; UTV (University Television in Rio de Janeiro); University Television in Viçosa, Minas Gerais State, and NBR - Radiobrás in Brasília. Strong coordination links have been built up between the United Nations Drug Control Programme (UNDCP) and the STD/AIDS National Coordination Unit under the Ministry of Health, in order to produce and air these features.

744. With regard to international assistance in the field of health care, the following table lists the projects financed with foreign funding that focus on basic health care.

Table 85

Health projects run by the Ministry of Health with foreign financing (completed and active)

Funding agency	Project	Amount (US$ million)	Status
World Bank	Basic health care in north-east - North-East I	59.5	Completed
World Bank	North-East II	217	Completed
World Bank	Malaria control in the Amazon Basin - PCMAM	72.9	Completed
World Bank	Endemic disease control in the north-east - PCDEN	82	Completed
World Bank	Control of STD/AIDS I	160	Completed
World Bank	Control of STD/AIDS II	165	Under way

Table 85 (continued)

Funding agency	Project	Amount (US$ million)	Status
World Bank	Support for reorganization of the Single Health-Care System (SUS) -	300	Under way
IDB	REFORSUS	350	
World Bank	National Health-Care Surveillance System - VIGISUS	100	Under way
KfW	Basic Health Care - Ceará State	8.020	Under way
KfW	Health care and sanitation in rural areas of Piauí State	10.025	Under way
IDB	Vocational training project for nursing staff - PROFAE	85	Signature stage
Total		1 609 445	

Articles 13 and 14

745. Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights cover the issue of education. The Brazilian Government therefore submits its comments on both articles, in order to ensure a systemic approach to the aspects under analysis.

746. The general situation of Brazilian education has improved appreciably over the past few decades, with a steep drop in the illiteracy rate, a significant increase in the number of registered students at all educational levels and a gradual increase in the average schooling levels of the population. However, these advances do not eliminate the need for a critical analysis of the educational challenges still facing Brazil which must be dealt with in order to bridge the historical deficit that was built up in the field of education.

747. If the expansion of Brazil's educational system has achieved reasonable levels from the quantitative standpoint, even compared to international standards, the same has not yet occurred in terms of its quality and equity indicators. It is also noted that the gradual improvement in Brazil's educational indicators reflect different types of stress and pace in the performance of the various states and regions of Brazil, mirroring the very different profiles of supply and demand requirements for existing educational services in a wide variety of locations.

748. Eliminating illiteracy is obviously the first step to be achieved in building up an integrative educational system that provides ample leverage for social and economic development. Brazil still posts a high illiteracy rate of 13.3 per cent among the population aged 15 years or more, which in absolute terms represents a significant contingent of over 15 million people.[21]

749. The impact of these figures is mitigated only when analysed from the standpoint of their development over the past three decades. The illiteracy rate in Brazil dropped from 39.5 per cent in 1960 to 20.1 per cent in 1991, at a relatively sluggish rate of 0.63 per cent a year. However, during the 1990s, illiteracy has been shrinking far faster, with an average annual reduction of 1.08 per cent. Another positive trend noted more recently is the drop in the absolute number of illiterates in the group aged over 15 years.

750. The following table illustrates the number of illiterates in the population aged 15 years or more, in absolute figures and by percentage distribution in the decades from 1920-1999.

Table 86

Illiteracy in Brazil,* 1920-1999

Year	Absolute figures (000)	%
1920	11 401.7	64.9
1940	13 269.4	56.0
1950	15 272.6	50.5
1960	15 964.9	39.6
1970	18 147.0	33.6
1980	18 651.8	25.4
1991	19 233.2	20.1
1996	15 560.3	14.7
1998	15 262.7	13.8
1999	15 073.0	13.3

Source: Demographic Census, IBGE: 1920, 1940, 1950, 1960, 1970, 1980, 1991. National Household Sampling Survey (PNAD/IBGE) 1996, 1998 and 1999.

* Excluding the rural populations of Rondônia, Acre, Amazonas, Roraima, Pará and Amapá States.

751. This sharp turn-around in Brazil's illiteracy rates, particularly among younger age groups, is directly related to the process of ensuring universal access to basic education, which has proven the most effective strategy in the efforts undertaken by the Government and other organizations in civil society that are striving to reshape Brazil's educational profile.

752. The data in the last few surveys undertaken by the Brazilian Institute of Geography and Statistics (IBGE - Instituto Brasileiro de Geografia e Estatística) indicate that the largest proportions of illiterates are concentrated to an increasing extent in the older groups,[22] as shown in table 87 below.

Table 87

Illiteracy rates in people aged 15 years or more, by age group - Brazil,* 1970-1999

Year	Illiteracy rate (%)						
	15 years or more	15-19 years	20-24 years	25-29 years	30-39 years	40-49 years	50 years or more
1970	33.6	24.3	26.5	29.9	32.9	38.5	48.4
1980	25.4	16.5	15.6	18.0	24.0	30.8	43.9
1991	20.1	12.1	12.2	12.7	15.3	23.8	38.3
1995	15.6	6.8	7.5	9.3	11.0	16.7	32.7
1996	14.7	6.0	7.1	8.1	10.2	15.5	31.5
1998	13.8	4.8	6.2	7.7	10.1	14.0	29.9
1999	13.3	4.0	5.9	7.2	9.6	13.0	29.6

Source: National Household Sampling Survey (PNAD/IBGE) 1996, 1998 and 1999.

* Excluding the rural populations of Rondônia, Acre, Amazonas, Roraima, Pará and Amapá States in 1995, 1996, 1998 and 1999.

753. However, it should be noted that the illiteracy rates have dropped in all age groups, although to a lesser extent among more senior citizens.[23] This means that by deploying sharply focused government policies, Brazil will be able to eradicate illiteracy over the next 10 years, as this is the sector of the population that is the most difficult to work with, owing to its social and economic characteristics. These efforts are already under way through educational programmes for young people and adults, including the Alfabetização Solidária community literacy programme, as well as other initiatives run by state and municipal governments, business associations, and religious and non-governmental organizations.

754. In addition to becoming a generational characteristic to an increasing extent, illiteracy in Brazil is also very regional, reflecting and reproducing interregional social and economic inequalities still found in Brazil. On the other hand, gender equality has already been achieved. The data displayed by the 1998 National Household Sampling Survey (PNAD) showed that the gender gap noted up to 1996 no longer exists. The shift in this situation reflects the speed with which illiteracy has dropped among younger women.

755. The educational ascent of women becomes even clearer when comparing the schooling levels of the population by gender. Up until the late 1980s, a long-established standard prevailed whereby men held the advantage in terms of the average number of years in the classroom. This position was reversed during the 1990s, when women upgraded their educational profile more rapidly. From 1990 to 1996, the average years of study rose from 5.1 to 5.7 for men and 4.9 to 6.0 for women, indicating that women have gained over a year while men have progressed only a half year. In 1990 the average schooling for both men and women reached 13.3 years.

756. Overall, it can be stated that the educational profile of the Brazilian population has improved appreciably during the 1990s. From 1992 to 1996, there was a substantial increase in the proportion of people with more years of schooling in the population aged 10 years or more. The proportion of people with at least 8 years of study rose from 25.6 per cent to 30 per cent during this period. Additionally, the proportion of the population with 11 years or more of study rose from 14.4 per cent to 16.5 per cent. In counterpart, the percentage of the population with no education at all or with less than one year in the classroom fell from 23.1 per cent in 1981 to 13.6 per cent in 1996. This reflects a gradual increase in the relative share held by groups with higher educational levels, auguring a more auspicious scenario for the forthcoming decade.

757. The Brazilian Constitution stipulates the mandatory schooling level as being basic education, consisting of eight years of study, targeting children aged 7-14 years. At the moment, government education at all three administrative spheres (municipal, state and federal) accounts for almost 91 per cent of all students registered in the Basic Education scheme, compared to 87 per cent in 1987; the net schooling level of the population aged 7-14 years reached 95.4 per cent in 1999.

758. From 1983 onwards, minimum funding allocations were assigned by government authorities to education by law: 13 per cent by the Federal Government and 25 per cent by the states and municipal districts. With Brazil's 1988 Constitution, the percentage of government funding to be assigned to this area increased to 18 per cent at the federal level and 25 per cent at the state and municipal district level. More recently, the Teaching Development and Enhancement Maintenance Fund (FUNDEF - Fundo de Manutenção e Desenvolvimento do Ensino e Valorização do Magistério) was introduced, with the immediate objective of ensuring a minimum expenditure per student and a special minimum wage for teachers. The Fund reaffirmed the need for the states, Federal District and municipal districts to comply with the provisions of Brazil's 1988 Constitution, which stipulates that 25 per cent of their tax revenues and other transferred income should be allocated to the maintenance and development of the educational system and that the states must allocate 60 per cent of this funding to basic education as from 1998, ensuring that 15 per cent of tax revenues are also allocated to this area.

759. This new legal provision stated that the responsibility for providing the necessary funding required to establish FUNDEF falls within the sphere of competence of the states, the Federal District and the municipal districts. However, owing to their widely varying social and economic levels, which results in low annual outlays per student, particularly in north-east and north Brazil, the Federal Government, under Decree 14/96, assumes responsibility for supplementing the amounts allocated to FUNDEF whenever the allocation per student falls below a nationally defined minimum level.

760. Secondary education in Brazil is subdivided into high school for youngsters aged 15 to 17 years and vocational training, which may be attended in parallel to high school or after graduation and is offered at the basic, technical and technological levels. The Brazilian Government makes it clear that not all vocational training is given at the high school level.

Basic courses are a type of informal education, open to anyone, regardless of schooling levels of varying durations, these courses are designed to qualify, requalify and retrain workers; their curricula are not regulated. The technical courses are based on specific curricular structures, intended to train students who are still in high school or who have already graduated. Technological training courses are given at the university level. According to the Brazilian Constitution, high school education, open to everyone who completes basic education is the responsibility of the states and the Federal District. From 1990 to 1999, student enrolment in high school rose from 3.5 million to 7.8 million, doubling in just eight years. Over the past four years, the average growth rate has hovered around 10 per cent. However, even with this increase, less than 30 per cent of the population aged 15-17 years is currently registered at this educational level. Nevertheless, it is stressed that the gross schooling rate in this age group reached 74.8 per cent in 1999. This highlights the main problem in Brazil's Basic Education System: repeat years that skew the age x grade ratio. The number of students completing their basic education more than doubled during this decade, rising from 658,000 in 1990 to 1.5 million in 1998.

761. The expansion of high school education noted during the 1990s was absorbed by the state educational network, which today accounts for 79 per cent of student registrations at this level. The number of students in private schools dropped from 46.5 per cent in 1980 to 15.8 per cent in 1999. These data show that this level of education is mainly Government-run. In order to underpin the expansion of high school education which has been taking place owing to expanded access to basic education and the federal and state upgrade programmes streamlining the schooling flow, as well as the demand for schooling affecting the economically active population (EAP) through the labour market, the Federal Government is negotiating a US$ 1 billion loan from the Inter-American Development Bank (IDB). This line of credit is designed to upgrade the current conditions of Brazil's educational system and expand the supply of places at this educational level in all the states as well as the Federal District, using both conventional and more diversified techniques. In order to comply with Brazilian educational law by expanding rotational training facilities in the federal, state and community networks, in 1997 the Federal Government drew up the Vocational Training Upgrade and Expansion Programme (PROEP - Programa de Expansão e Melhoria da Educação Profissional) at a total cost of US$ 500 million of which US$ 250 million would come from a loan from the IDB and the remainder from domestic counterpart funding.

762. The restructuring of Brazil's vocational training system is being implemented by the Minister of Education jointly with the State Education Bureaux, targeting the objectives of training and qualifying young people and workers for a changing economy that is rapidly modernizing, while also shaping citizens with creative capacities who can deal with the changes demanded by society. According to the Vocational Training Census, 2.8 million students are registered nationwide in courses targeting the labour market. This census also reveals that there are 33,000 vocational training courses in Brazil, with most of them (83.5 per cent) at the basic level. There are 5,000 technical courses throughout Brazil, and 433 technological courses. Of the three levels of educational training, basic courses draw the largest number of registrations, with 71.5 per cent of the total. The technical and technological levels have 717,000 and 97,000 students, respectively.

763. University education in Brazil still serves only a small proportion of the age group able to handle this level of education. While the population aged 18-24 years reached some 21,580,000 in 1998,[24] initial registrations at universities[25] fell just below 2.1 million students. Consequently, current university-level vocational training accounts for no more than 10 per cent of the population that should in theory have access to this type of education. On the other hand, the number of places available for university courses has expanded considerably, up 55.8 per cent from 1994 through 1999. However, the number of places has increased more in the private system than in Government-run institutions. In 1994, private education accounted for 58.5 per cent of total registrations, and by 1999 this had risen to 64.9 per cent. Although the Government's share of total registrations has been dropping in absolute terms, it rose by some 23.2 per cent from 1994 to 1999; however, this is still well below the expansion rate of private facilities which was about 70.4 per cent over the same period. This phenomenon is not necessarily negative, and is directly related to the diversification and added flexibility of university education in responding to the increasingly broad spread in the demand.

764. Additionally, it should be stressed that the Ministry of Education introduced its Student Funding Programme (FIES - Programa de Financiamento Estudantil) in 1999, which provided loans to over 80,000 students in its first half year of operation, providing funds of over Cr$ 150 million. This fund offers temporary financing to students, to defray the fees charged by higher education institutions that are not free of charge.

765. Young people or adults who failed to complete their regular schooling at the appropriate age have the possibility of continuing to study through no-charge catch-up courses and examinations. For several years, the Ministry of Education has been supporting with technical and financial backing governmental and non-governmental projects designed to eliminate illiteracy and extend mandatory schooling facilities to young people and adults. From 1995 to 1998, the funds transferred by the Federal Government to underwrite the education of young people and adults tripled, reaching Cr$ 35.8 million in 1998. That same year, catch-up courses serviced 2.9 million students enrolled.

766. Educational opportunities designed to provide education for young people and adults follow the characteristics, needs and interests of the students and ensuring that adequate conditions for workers to enter and remain in school.

767. The new Education Bases and Guidelines Act (LDB - Lei de Diretrizes e Bases da Educação) regulated the entry of young people in catch-up courses, stipulating a minimum age of 15 years for equivalency examinations at the basic education level and 18 years for high school equivalency diplomas.

768. The Brazilian Government feels it is appropriate to advise the Committee on Economic, Social and Cultural Rights of the social and educational activities that it has been encouraging.

769. In addition to causes related to intra-school variables, which are being dealt with through countless government programmes,[26] it is quite possible that social and economic variables are a key factor among those which may well have adverse effects on students' performance and staying on in school. In view of this understanding, some subnational governments have introduced programmes that transfer funds to poor families, conditional on their children being registered and staying in school. Furthermore, a federal law was sanctioned in December 1997 authorizing the Federal Government to "award financial support to municipal districts introducing minimum income guarantee programmes associated with social and educational actions". In 1999, the Minimum Income Guarantee Programme (Programa de Garantia de Renda Minima) run by the Federal Government assisted over 500,000 families with a per capita income of under one half of a minimum wage, transferring some Cr$ 226.6 million in 1,005 municipal districts.

770. Working closely with society, government efforts are producing positive results, as explained below.

771. The illiteracy rate in Brazil for the population aged 15 years or more fell from 20.1 per cent in 1991 to 15.6 per cent in 1995, dropping to 13.3 per cent in 1999. However, a methodological comment should be noted here, as the global statistical survey of Brazil is undertaken regularly at 10-year intervals (as mentioned in another part of this report) supplemented by periodical surveys undertaken through the National Household Sampling Survey (PNAD). Consequently, it should be noted that the figures for 1991 mentioned above were taken from the Population Census, which covers the entire Brazilian population, while the figures for the two subsequent years were taken from the National Household Sampling Survey (PNAD) which does not include the rural zones of northern Brazil, in addition to working only on a sample basis.

772. Taking the development of this indicator as a reference, over the past two years, using data taken from the same base, it is probable that the illiteracy rate for 1995, based on criteria similar to those used in 1991, may well be underestimated. A significant increase in first-time student registrations in the Basic Education System was noted from 1994 to 1999, up from 31,220,000 to 36,060,000 by the end of the period, equivalent to an increase of about 14.6 per cent.

773. Analysed separately, student registrations in the rural zone rose from 5,480,000 to 6,660,000 over the same period, up 21.6 per cent - a far higher rate than noted in urban areas. Within the field of education for young people and adults, a certain stability was noted in the total first-time registrations: 2,750,000 in 1995, rising to 3,070,000 in 1999 (up 11.6 per cent). The drop-out rates have fallen over the period. According to the Ministry of Education, the drop-out rate at the basic education level fell from 13.6 per cent to 12.8 per cent from 1995 to 1997. The drop-out rate at the high school level fell from 21.7 per cent to 16.0 per cent over the same period.

774. In terms of the conclusion rates by educational level, the figures presented here were obtained through the same method of calculating the previous indicator. From a methodological standpoint, it should be stressed that although these figures are accurate, this method is severely limited. The expected completion rate for basic education and high school, as well as for basic education as a whole calculated by INEP, would be the best indicator. From 1995 to 1997, the expected completion rate for basic education rose from 51.9 per cent to 65.8 per cent and for high school it increased from 71.4 per cent to 78.5 per cent; for basic education as a whole it rose from 32.5 per cent to 47.7 per cent. It is not possible to calculate the expected completion rate for university-level education, as it is not graded, with automatic transfer after high school. However, the ratio between graduates and initial registrations indicates some significant analytical constraints. An alternative, although still far from ideal, would be to calculate the ratio between the graduates in a specific year and the initial registration figures four years previously.

775. Government expenditures on education at all three spheres of government totalled CrS 27,190,000,000 in 1995. This amount corresponds to 12.8 per cent of all direct non-financial expenditures of the three spheres of government, and 20.1 per cent of the outlays in the welfare sector.[27] The importance of this field is indicated in the table below, which lists education together with social security, civil service benefits and health care, the pillars of the social welfare system adopted by the Brazilian Government.

Table 88

Total direct outlays on social welfare and education by all three levels of government, 1995

CrS million current				
Type of expenditure	Federal*	State	Municipal	Total
Direct government outlays	103 184	68 199	41 067	212 450
Government outlays on welfare (origin of funding)	80 550	32 116	22 619	135 284
Government outlays on education (origin of funding)	6 778	12 981	7 431	27 190
Comparisons (%)				
Welfare outlays/direct outlays	78.1	47.1	55.1	63.7
Education outlays/direct outlays	6.6	19.0	18.1	12.8
Education outlays/welfare outlays	8.4	40.4	32.9	20.1

Source: Fernandes et al.

* Includes Length of Service Guarantee Fund (FGTS) funds that are not included in the General Federal Balance Sheet Records.

776. Intergovernmental distribution of expenditures follows the division stipulated in tying tax revenues assigned to education.[28] The data in the above table reflect the decentralized nature of government actions in this field, as the main authorities responsible for this area are the states and municipal districts which together account for 75.2 per cent of outlays in this area. This means that the States and the municipal districts allocate some 20 per cent of their direct outlays to education. Within the global government efforts targeting social welfare sectors, outlays in this field account for 41.1 per cent of state expenditures and 34.6 per cent for the municipal districts.

777. Meanwhile, the Federal Government underwrites 28 per cent of the outlays in this area, which accounts for only 6.7 per cent of its direct non-financial expenditures, including the negotiated (non-constitutional) transfers to the states and municipal districts. This is due to the fact that the Brazilian Constitution assigns the responsibility for providing basic education to the states and municipal districts, while the Federal Government handles catch-up classes.[29] Consequently, most of the funding allocated by the Federal Government to the education area is assigned to defray the expenses of the federal higher educational institutions, as well as technical schools.

778. The overview of expenditures in the field of education in the main subgroups given in the table and Chart below show that government efforts in this field can be divided into two sections: direct expenditures targeting the educational subgroups, and indirect outlays. For the former, the expenditures are assigned to three core groups of fundamental actions. The first clusters programmes that require more substantial support, absorbing the highest expenditures: basic education (42.5 per cent) and higher education (18.9 per cent), which together account for 61.4 per cent of expenditures in this area. The second group covers early childhood education (age 0-6 years) and high school, absorbing 10.3 per cent of these outlays. The final group brings together actions related to catch-up classes and education for young people and adults, physical education, sports and special education, which together absorb only 2.9 per cent of expenditures in the field of education.

779. Other expenditures on activities indirectly related to education were allocated to two specific items: outlays underwriting administrative activities, accounting for 23 per cent of expenditures, and student aid, which absorbs some 2.3 per cent.

Table 89

Shares in expenditures by level and activity in the field of education, by government level, 1995

Education levels and activities	Federal		State		Municipal		Total				
	(a)	%	(b)	%	(c)	%	(d = a+b+c)	%	(a/d)	(b/d)	(c/d)
Education for children aged 0-6 years	10 280	0.2	51 190	0.4	1 010 926	13.6	1 072 396	3.9	1.0	4.8	94.3
Basic education	1 194 692	17.6	6 409 478	49.4	3 948 810	53.1	11 552 980	42.5	10.3	55.5	34.2
High school	509 642	7.5	851 986	6.6	375 096	5.0	1 736 725	6.4	29.3	9.1	21.6
Higher education	4 069 318	60.0	957 728	7.4	101 527	1.4	5 128 573	18.9	79.3	18.7	2.0
Catch-up classes and education for young people and adults	11 140	0.2	59 599	0.5	22 977	0.3	93 716	0.3	11.9	63.6	24.5
Physical education and sports	58 020	0.9	106 216	0.8	395 787	5.3	560 023	2.1	10.4	19.0	70.7
Special education	20 952	0.3	69 124	0.5	56 753	0.8	146 829	0.5	14.3	47.1	38.7
Student aid	199 873	2.9	250 794	1.9	188 086	2.5	638 753	2.3	31.3	39.3	29.4
Administrative activities	703 670	10.4	4 225 283	32.5	1 331 592	17.9	6 260 546	23.0	11.2	67.5	21.3
Total	6 777 587	100	12 981 398	100	7 431 554	100	27 190 539	100	24.9	47.7	27.3

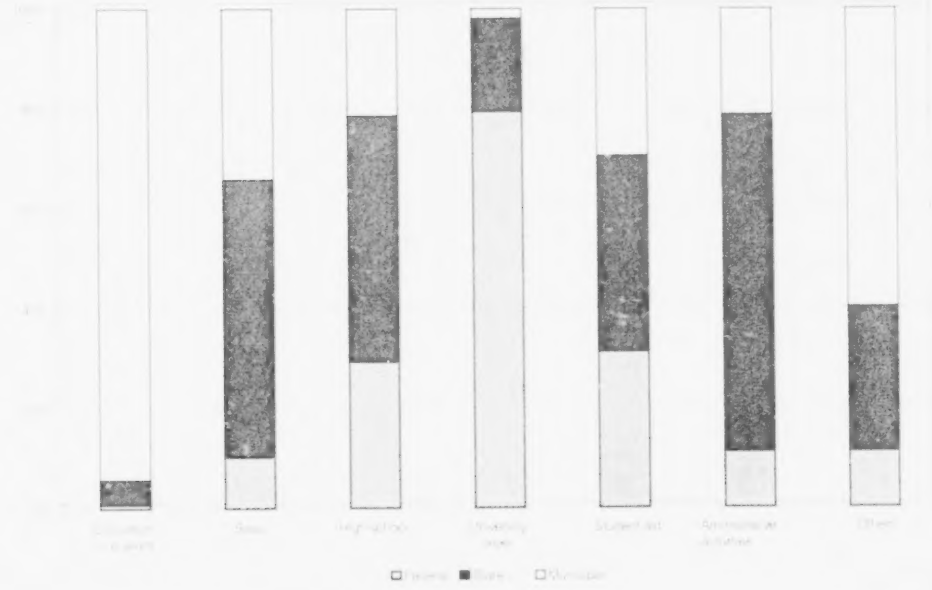
CrS 000 nominal

Source: IPEA/DISOC.

780. The structuring of expenditures is also a good indicator of the sharing of responsibilities in the field of education among the three levels of government. As shown in the above table, higher education is almost completely the responsibility of the Federal Government, as its expenditures cover 79.3 per cent of the outlays for this subgroup, with the states accounting for only 18.7 per cent. Almost all these outlays are absorbed by higher education institutions in São Paulo and Rio de Janeiro States.

Chart 12

Outlays in the field of education by subgroup and level of government, 1995



Source: IPEA/DISOC.

781. For the basic education subgroup, the states provide most of the funding (55.5 per cent) while the municipal districts account for 34.3 per cent. The Federal Government provides only 10.3 per cent, mainly for catch-up courses and cooperation with the other spheres of government, in compliance with Brazilian law.

782. These same legal provisions are valid for the high school subgroup, although in this case the Federal Government funds a group of technical schools and agricultural colleges,[30] bringing its share of the outlays up to 29.3 per cent. The states account for some 49.1 per cent of all outlays in this subgroup, while the municipal districts provide only 21.6 per cent, with most of these expenditures funded by municipal districts in Minas Gerais State.

783. In compliance with the responsibilities established by the 1998 Constitution and reaffirmed in the new Guidelines and Bases Act (LDB) which assigns the responsibility for early childhood education to the municipal districts, Chart 12 shows that the education for children aged 0-6 years (early childhood education) subgroup was underwritten by the municipal districts at the level of 94.3 per cent, with only 4.9 per cent provided by other levels of government.

784. In its guidelines, the Committee on Economic, Social and Cultural Rights questions whether vulnerable groups, in educational terms, exist. The answer is definitely in the affirmative. Six cross-cutting population groups are given in the table below (race, gender, urban/rural, migrant, poor and region of residence) which were studied according to three educational indicators: net school attendance aged 7-14 years, the percentage of children aged 10-14 years lagging more than one year behind the proper grade for their age, and the average number of years' schooling for the population aged 15-25 years.

Table 90

Educational vulnerability, by six population divisions and three educational indicators (%)

	Net schooling aged 7-14 years		Children lagging more than one year behind their proper grade, aged 10-14 years		Average number of years schooling, aged 15-25 years	
	Proportion	Standard deviation	Proportion	Standard deviation	Mean	Standard deviation
Overall	93.0	0.1	29.8	0.2	6.77	0.01
Indigenous	85.0	3.5	52.9	6.1	4.14	0.19
White	95.5	0.1	16.8	0.3	7.82	0.01
Black	90.0	0.6	39.5	1.1	5.64	0.04
Yellow	99.4	0.6	10.6	3.1	10.75	0.25
Brown	90.7	0.2	42.7	0.4	5.62	0.01
Boys	92.5	0.2	34.0	0.3	6.34	0.01
Girls	93.6	0.1	25.6	0.3	7.19	0.01
Urban	94.6	0.1	23.0	0.2	7.36	0.01
Rural	88.0	0.3	52.3	0.6	4.36	0.02
Non-migrant	93.0	0.1	30.0	0.2	6.76	0.01
Migrant	93.1	0.4	27.8	0.8	6.81	0.03
Not poor	96.5	0.1	14.8	0.2		
Poor	88.9	0.2	48.7	0.4		
South/south-east and centre-west	95.1	0.1	16.2	0.3	7.54	0.01
North and north-east	89.8	0.2	50.8	0.4	5.39	0.01

Source: Prepared in-house based on micro-data taken from the 1997 Household Sampling Survey (PNAD).

Note: The word "poor" describes persons whose per capita family income was less than Cr$ 75 in September 1997; "migrant" means a person born in a state other than his place of residence; "average number of years of schooling" is not used as a factor in determining poverty as education is a powerful determining factor in income and the figure presents an inverse causality.

785. The population groups given in the table above demonstrate quite clearly that the groups in unfavourable educational situations are as follows, ranked by severity: poor, rural dwellers, people living in north and north-east Brazil, indigenous communities, Blacks. Migrants - taken as being people living in a state other than that where they were born - are in a situation that is statistically identical to non-migrants, surprisingly enough. The situation of boys is worse than that of girls: this gap is statistically significant, although the difference is less than for the other groups.

786. In order to deal with this problem, Brazil's new National Curricular Parameters (Parâmetros Curriculares Nacionais) assign much importance to the issue of cultural plurality with a view to eliminating the discrimination to which the groups listed above are particularly subject. This involves a quest for knowledge, enhancing the value of the ethnic and cultural characteristics of the many different social groups that live in Brazil. Through a study of the many different contexts in which they live, including social and economic inequalities and discriminatory social relationships that still permeate Brazilian society, students are offered the possibility of learning about Brazil, a complex and multifaceted country that is at times paradoxical. Through this, the affirmation of diversity in the classroom grows into a key characteristic for building up a national identity, representing the commitment of the Brazilian Government to society. The Government also feels that it is vital to implement minimum income programmes, with investments in the neediest parts of the country - such as the Projeto Nordeste project targeting the north-east, and the FUNDESCOLA Education Fund - while also encouraging inclusive special education and supporting educational initiatives in indigenous communities. The examples mentioned above are covered by government policies that are focused directly on assuring access to education for the most underprivileged groups.

787. The Brazilian Government is also deeply concerned about the quality of basic education, establishing the Teaching Development and Enhancement Maintenance Fund (FUNDEF) to underwrite its activities. This fund stipulates a minimum outlay per student per year, with financing provided under the Brazilian Constitution. Any state failing to achieve this per capita minimum will receive supplementary funding from the Federal Government.

788. Another measure designed to assure a steady stream of funding to government schools is the programme run by the Ministry of Education called Dinheiro na Escola. Through this financing programme, funds are transferred directly to schools in order to underwrite some of their basic requirements, which are relatively minor but demand immediate solutions.

789. The progressive mandatory nature of high school education was introduced through the new Education Bases and Guidelines Act, promulgated in 1996. Owing to its stipulations, as well as the rising completion rates for basic education, initial student registration rose appreciably at this level in government schools to 65.4 per cent in the period 1994-1998 compared with 18.0 per cent for the private school network.

790. Since 1975, Brazil has run a student loan system for private higher education institutions called the Educational Credit Programme (Programa de Crédito Educativo). In May 1999, this programme was replaced by the University Students Financing Fund (FIES - Fundo de Financiamento ao Estudante de Ensino Superior) that is designed to defray up to 70 per cent of the fees charged to students by higher education institutions.

791. Although the official language of Brazil is Portuguese, the Government confirms its dedication to enhancing cultural diversity by phasing in classes for indigenous communities in their own languages. Similarly, textbook programmes have also sought to include the wide variety of indigenous languages found in Brazil, wherever possible.

792. Backed by the Government, broad-ranging and promising discussions are under way nationwide on the issue of education, reflecting rising expectations deriving from the strengthening of citizens' rights. The allocation of funding has played an important part in these discussions, with the Government seeking to meet the needs of the population progressively, making the best possible use of budget allocations. The right to education is rated as fundamental by the Brazilian Government.

793. As already mentioned, the Teaching Development and Enhancement Maintenance Fund (FUNDEF) was established in 1998. This fund consists of 15 per cent of the tax revenues, including constitutional transfers, and should be invested in maintaining and developing basic education. The distribution of funding at the level of each state and the Federal District, shared out between the state and municipal governments, is based on the proportions of the number of students registered each year in school at the basic education level. The Federal Government supplements the financing provided by this fund whenever its value per student in each state and the Federal District fails to reach the nationwide minimum, established at Cr$ 315 in 1999.

794. FUNDEF financing, including supplementary Federal Government funds when necessary, underwrites 60 per cent of teacher remuneration for those working in the Government-run Basic Education System. During the first five years that the law remains in effect, a portion of the funds may be used to train lay teachers. They are given a period of five years in which to obtain the necessary teaching qualifications, a necessary condition for joining the permanent staff on a career basis.

795. According to the FUNDEF Act, the states, the Federal District and the municipal districts should prepare a new Teacher Remuneration and Career Plan (Plano de Carreira e Remuneração do Magistério) within six months of the law coming into effect, complying with the guidelines issued by the National Education Council (CNE - Conselho Nacional de Educação). This deadline is included in the provisions that were challenged through a preliminary injunction filed with the Federal Supreme Court. Another adverse factor was the fact that the guidelines were only issued by the National Education Council in October 1997.

796. Teacher remuneration is a particularly sensitive matter. The Fund has a positive effect on the wages received by the teaching staff. From December 1997 to June 2000, the wages paid to teachers in the state and municipal school networks providing basic education rose by an average of 29.5 per cent, compared with an inflation rate of 12 per cent over the same period, according to the National Consumer Price Index (INPC - Índice Nacional de Preços ao Consumidor). The average wage rose from Cr$ 717 to Cr$ 929, with the highest increase in the municipal network, up 33.3 per cent from Cr$ 620 to Cr$ 826.

797. The rate for north and north-east Brazil was higher than the national average. In the north-east, teacher remuneration rose 59.7 per cent, with an average increase for the municipal network of 70.1 per cent. The average increase in northern Brazil reached 35 per cent, and was slightly higher in the state network at 37.9 per cent. In centre-west Brazil, the average wage increase was 26.5 per cent, 23.6 per cent in the south-east, and 22.1 per cent in the south.

798. These data are part of the Survey Assessing the FUNDEF Implementation Process (Pesquisa sobre Avaliação do Processo de Implantação do FUNDEF) that the Applied Economic Research Institute Foundation (FIPE - Fundação Instituto de Pesquisas Econômicas Aplicadas) at the University of São Paulo was commissioned to carry out by the Ministry of Education. This survey gathered information on the distribution of resources among the states and municipal districts, as well as on improvements in teacher qualifications. This analysis was based on the average remuneration of teachers working an equivalent of 40 hours a week.

799. Upgrading the value assigned to teachers is one of the key objectives of FUNDEF, which assigns 60 per cent of its funds to remunerating teachers at work in the classrooms providing basic education in the government-run system. The data produced by this survey show that 39 per cent of the teaching networks were awarded increases of over 50 per cent from 1997 to 2000.

800. With the exception of higher education, the supply of places in Government-run institutions prevailed over private institutions for all educational levels in terms of student registrations as well as the number of establishments. From 1994 to 1998, the share held by the private network in the total number of educational establishments rose from 16 per cent to 25 per cent (early childhood education); 7 per cent to 9 per cent (basic education); 31 per cent to 34 per cent (high school); and 74 per cent to 78 per cent (higher education).

801. There are no major constraints on opening private schools, although their functioning is conditional on prior accreditation by the corresponding State Education Council (Conselho Estadual de Educação) for educational levels up to high school, and the National Education Council for higher education institutions.

802. It is hoped that the Brazilian Government has inspired the Committee on Economic, Social and Cultural Rights with a commitment to the right to education. The efforts undertaken at all three levels of government, with rising mobilization and involvement of society in the redemption of Brazil's Government-run school system, are reflected in the steady expansion of access to education at all levels. The decentralization of programmes and government funding underwriting all levels of education through the adoption of transparent, universal criteria form the backbone of these initiatives. Although there is still a long way to go, major advances have been achieved.

803. In its efforts to foster the full implementation of the right to education, Brazil has sought international assistance, particularly for financing welfare projects and research. Both UNICEF and the United Nations Development Programme (UNDP) have been particularly active, as have UNESCO offices. Foreign loans from both the Inter-American Development Bank (IBD) as well as the World Bank are a significant source of funding which is used to underwrite projects whose core objective is to upgrade the quality of education in Brazil while underpinning the fairness of its educational system.

804. The main initiative absorbing foreign funding is the Projeto Nordeste run in the poorest parts of Brazil, particularly the north-east. This has restructured and expanded the FUNDESCOLA Education Fund, extending it into northern and centre-west Brazil. No less important is the Vocational Training Upgrade and Expansion Programme (PROEP) financed by the IDB in a total amount of US$ 500 million.

805. From another but equally important standpoint, Brazil has been deeply involved with international cooperation initiatives in the field of education, assisting countries belonging to the Community of Portuguese-Speaking Countries (CPLP - Comunidade de Paises da Lingua Portuguesa) as well as East Timor.

Article 15

806. In beginning its comments on article 15 of the International Covenant on Economic, Social and Cultural Rights, the Brazilian Government would like to refer back to the comments on the document entitled "Report of Civil Society on Compliance by Brazil with the International Covenant on Economic, Social and Cultural Rights", forwarded recently to the Committee on Economic, Social and Cultural Rights as the outcome of the broad-ranging consultation with civil society and intensive discussion.

807. This document notes three positive comments on the promotion and protection of the right to a cultural life and the enjoyment of scientific and technological development[31] in Brazil. For instance, references are noted to the fact that (i) "... real progress is noted today in Brazil in terms of the legal foundations for cultural rights ..."; (ii) "...others are also keeping pace with this progress in the legislative field ..."; (iii) "... two concrete examples are also noteworthy, reflecting a beneficial change in the stance of the Governments in terms of cultural investments. A good example is the appearance of high-quality official media that have won international awards, such as the educational and cultural television channels (TV Educativa and TV Cultura) that have helped disseminate Brazil's many different cultural manifestations ...".

808. Having noted this initial comment, owing to its importance, the Brazilian Government now wishes to cover more specifically the points of interest constituting the guidelines of the Committee on Economic, Social and Cultural Rights as mentioned in article 15 of the International Covenant.

809. The Brazilian Government assigns the utmost importance to the participation of society as a whole in the cultural life of the nation, making no distinctions and encouraging the specific cultural characteristics of its many different ethnic groups. The lines of action guiding Brazil's cultural policy strive to meet these concerns.

810. The basis for government actions is the Brazilian Constitution, which acknowledges culture as a social right, guaranteed as such in its articles 215 and 216. These articles express both public responsibility for the protection and development of widely varying cultural expressions and the responsibility of the State for encouraging them.

811. Culture is also viewed as an important sector in terms of the economic output of a country. Books, the theatre, music, the cinema, the arts, dance and television have all been building up dynamically into sectors generating jobs that are important for development. In 1994, this sector employed 510,000 people throughout Brazil, accounting for around 1 per cent of the nation's GDP.

812. For the period 2000-2003, a new type of management system is being introduced for the cultural sector. The Pluri-Annual Plan (PPA) drawn up by the Federal Government establishes performance and result indicators for monitoring the programmes run by the Ministry of Culture and its subordinate entities. The Plan stipulates the guidelines for the cultural sector that falls under the responsibility of the State for the next four years. The backbone of the Plan is the introduction of performance-measuring tools that assess all institutions undertaking activities related to the arts, libraries and the preservation of Brazil's cultural heritage, in an effort to upgrade the quality of government spending in this sector and ensure greater continuity for its actions.

813. Many different types of financing have been introduced for cultural development and preservation. Tax revenues are expended in Brazil through the Ministry of Culture and the State and Municipal Culture Bureaux. Federal Law No. 8,313 introduced the following financial mechanisms: the National Culture Fund (FNC - Fundo Nacional de Cultura) which allocates funds to cultural projects through repayable loans or grants to individuals and non-profit corporate legal entities, as well as government cultural agencies; and the Cultural and Artistic Investment Fund (FICART - Fundo de Investimento Cultural e Artístico), regulated by the Securities and Arts Patronage Commission (Comissão de Valores Imobiliários e o Mecenato), which introduces tax benefits for taxpayers who wish to invest in the cultural area. Federal Law No. 8,685 (1993) modified by Law No. 9,323 (1996) supplements these financing tools. Brazil's Audio-visual Act benefits audio-visual and cinematographic projects undertaken by independent producers, as well as projects related to this field for exhibition and distribution and to provide technical infrastructure. In addition to these federal laws, there is an entire network of state and municipal legislation drawn up on the basis of the Federal Incentives Law.

814. The table below lists investments in culture over the past few years at the federal level, including tax incentives:

Table 91

Investments in culture, including tax incentive funding, 1995-1999*

Year	Cr$
1995	163 923 850
1996	249 372 977
1997	382 108 002
1998	347 463 546
1999	331 274 011

Source: Ministry of Culture.

* Excluding outlays on staff, benefits and administrative maintenance of federal entities.

815. The infrastructure providing support for cultural development is complex, constituting an institutional network that spreads through over 5,000 districts in Brazil, although clustered more heavily in states and regions with higher GDP rates. The table below lists the number of establishments in the cultural field with contracted employees in 1996, by region.

Table 92

Establishments in the cultural sector by region, 1996

Regions	Film and video production	Film and video distribution	Films and video projection	Theatre, music and other artistic activities
North	8	59	29	12
North-east	70	301	82	125
South-east	517	1 562	464	562
South	85	469	125	142
Centre-west	41	168	42	50
Total	721	2 561	742	893

Source: RAIS/Ministry of Labour 1996.

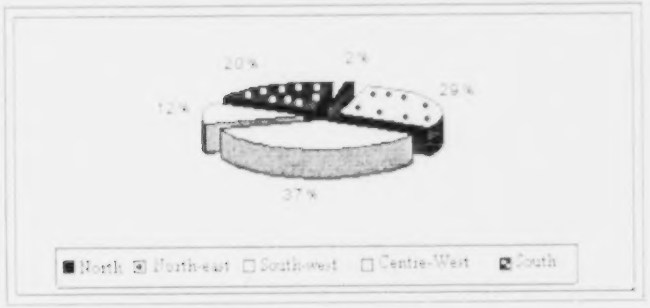
816. Encouraging reading is another aspect that has drawn the attention of the Brazilian Government. Due to its social and cultural importance, the Ministry of Culture has been implementing the National Reading Incentive Programme (PROLER - Programa Nacional de Incentivo à Leitura) introduced through Decree No. 519 in May 1992. Through the National Library Foundation (Fundação Biblioteca Nacional) this programme interconnects initiatives run by many different institutions promoting the habit of reading, through setting up reading centres and libraries, as well as training educators.

817. The Open Book (Livro Aberto) programme will extend through 2003, boosting the number of books printed in Brazil to a marked extent and increasing the number of municipal districts with public libraries to 71 per cent. From 1996 through 1999, 671 libraries were established, absorbing investments through building up permanent collections, equipment, furniture and fittings that benefit all parts of Brazil, particularly the north-east, which is home to 28.5 per cent of the Brazilian population.

818. Issued in May 1992, Decree No. 520 established the National Public Libraries System (Sistema Nacional de Bibliotecas Públicas) in order to implement and develop library services all over Brazil. It is managed and coordinated by the National Library Foundation with the participation of states, the Federal District and municipal districts. Data issued by the Ministry of Culture indicate that there are 4,009 libraries in Brazil, 37 per cent of them in the south-east and 29 per cent in the north-east.

Chart 13

Brazil - Libraries by Region



Source: Ministry of Culture.

819. All states in Brazil have been allocated funding for public libraries by the Ministry of Culture. In 1995, Cr$ 3,029,149 were allocated to activities encouraging reading, with Cr$ 34,203,705 invested from 1996 to 1999. The Library in Each Municipal District Programme (Uma Biblioteca Em Cada Município) established 354 public libraries in 1999 under the agreement signed with municipal districts. On behalf of the Federal Government, the Ministry of Culture finances and purchases approximately 2,000 volumes and all equipment up to Cr$ 40,000. In addition to establishing new libraries, the Ministry is also allocating funds for the repair and expansion of permanent collections, renovations, acquisition of equipment, computerization of reading rooms and the conservation of existing units.

820. Map No. 1 shows the distribution of libraries established or supported all over Brazil by the Ministry of Culture over the past few years.

Map No. 1

Source: Ministry of Culture.

821. Another cultural activity that is being encouraged by the Government consists of bands and orchestras. Over the past four years, over 1,000 municipal districts all over Brazil have been allocated funding by the Ministry of Culture to set up or modernize their own music bands. Over this period, the Ministry supported 26 orchestras and some 400 artists and music experts taking part in Brazilian and international events. In 1995, Cr$ 918,797 were allocated to underwrite four Brazilian orchestras. From 1996 to 1999, Cr$ 17,550,037 were set aside for over 17,000 instruments and bands, as well as to establish and revitalize orchestras (see map No. 2 below). Furthermore, the Ministry also supported the production of CDs featuring regional music, as well as music festivals and shows.

Map No. 2

Source: Ministry of Culture.

822. There are some 1,300 museum-type institutions in Brazil, noted for their wide diversity: national, regional and community, public and private, historical, artistic, anthropological and ethnographic, scientific and technological. The main museums in Brazil are administered by the Ministry of Culture, and specialize in guided tours in parallel to educational and recreational activities targeting schoolchildren. The system of not charging entrance fees on Sunday encourages increased access to these cultural institutions by everyone, regardless of their financial capacities.

823. Cultural policies in Brazil are particularly sensitive to issues involving the affirmation of national identity. In historical terms, the cinema and the nation's historical and artistic heritage, the theatre, the arts and literature have made significant contributions to bolstering an awareness of citizenship within the national community to which they belong. Consequently, it is felt that ethnic minorities constitute groups whose participation in the formation of Brazilian society warrants particular attention. Historical and archaeological museums and institutes are key items in the interpretation and dissemination of a history and perception that should focus on the value of all types of diversity. The Ministry of Culture is also supported by the Palmares Cultural Foundation (Fundação Cultural Palmares) whose main purpose is to foster the inclusion of Brazil's black population in the all-round development process of the country. Faithful to this principle, the Foundation organizes, participates in and monitors activities designed to upgrade the quality of life and enhance the value of black culture.

824. The Foundation has completed its systematic mapping of the remaining quilombos[32] that once sheltered runaway slaves, building up stronger links through exchanges with African, European, Caribbean and North American countries, as well as the Community of Portuguese-speaking countries. It is structuring the National Black Culture Information and Reference Centre (CNIRCN - Centro Nacional de Informação e Referência da Cultura Negra), which the Government intends to inaugurate in 2001 as a significant physical, symbolic and virtual space providing recreational facilities that integrate and underpin Afro-Brazilian culture.

825. Also through the Palmares Foundation, the Brazilian Government has supported events in many different parts of Brazil striving to affirm Negro cultural identity within the context of a pluralistic society, enhancing the value of the dynamism, wealth and diversity of its many forms of creation and expression, striving to shrink spatial and social imbalances, encouraging exchange of artistic experiences in many different fields and bringing out the full potential of Afro-Brazilian output. Working closely with federal, state and municipal government entities, as well as non-governmental organizations, producers and experts in Afro-Brazilian culture, the Foundation supports the quest for spaces and opportunities where projects of interest to the black community can be run, in addition to striving to maintain folk culture, the framework of black culture and Brazilian culture both in Brazil and abroad.

826. There is much concern within the Brazilian Government over promoting the nation's cultural identity through the audio-visual sector, as it is keenly aware that full freedom of expression and artistic creation do not run counter to the need to ensure the expression of traditional cultures in Brazil and the wide diversity of their origins. This is the basic reason behind article 29 of Law No. 84501/1992 which stipulates that movie theatres should allocate a certain number of days (reassessed each year) solely to displaying Brazilian full-length features.

827. Brazil's indigenous communities are sheltered by the National Indian Foundation (FUNAI - Fundação Nacional do Índio) under the Ministry of Justice, which also protects their culture. Recently inaugurated were Open Air Discovery Museums (Museus Abertos do Descobrimento), whose concept extends beyond those traditionally associated with similar cultural institutions. Among these museums are the area now known as the Discovery

Quadrilateral (Quadrilátero do Descobrimento), highlighting the diversity of landscapes and situations, including historical urban complexes,[33] and attracting large numbers of visitors; Atlantic Rainforest reserves (Vera Cruz, Parque Pau Brasil); a nature park at Monte Pascoal, which also has a very important historical monument and where indigenous communities still live; archaeological sites; and indigenous reserves (one of them, allocated to the Coroa Vermelha tribe, is in an urban area of considerable historic value). Another example of how the Open Air Discovery Museum seeks to move beyond the traditional concept of this type of institution is its organization of the Pataxó Cultural Complex, handled through the National Historical and Artistic Heritage Institute (IPHAN - Instituto do Patrimônio Histórico e Artístico Nacional). This complex includes a health-care clinic, two workshops preparing medicinal herbs and a store that sells them, a school with six classrooms, a community recreation area and canteen, offices and bathrooms, which were designed with the participation of the community itself.

828. Owing to its significance for Brazil's cultural heritage, the Discovery Coast (Costa do Descobrimento), which includes the segment of the coastline where Brazil's first capital was established by the Portuguese navigators, has been listed as a World Heritage Site by UNESCO.

829. The Government-owned permanent collections in Brazil are assigned to IPHAN, which manages 16,000 heritage sites, 61 historical urban sites and 11,000 registered archaeological sites, all open to the public, and is responsible for more than 1 million objects, including permanent museum collections, some 245,000 books and 2 kilometres of archive documentation, in addition to photographs, films and videos.

830. Established in 1937 and therefore the oldest cultural assets preservation institution in Latin America, IPHAN has a wide variety of duties and responsibilities, ranging from the identification, protection, restoration, preservation and supervision of physical, archaeological and intellectual assets, as well as landscapes, through the administration of libraries, archives and museums, caring for many significant aspects of Brazil's cultural panorama. Its activities are implemented through 14 regional superintendencies and 19 subregional offices, as well as the National Fine Arts Museum, the National History Museum, the Imperial Museum, the Republic Museum, Independence (Inconfidência) Museum, and the Lasar Segall, Villa-Lobos, Castro Maya and Mello Leitão Museums, the Roberto Burle Marx Estate, the Paço Imperial Palace and the Brazilian Cinema Library, in addition to 18 regional museums, 9 historic houses and 1 historic park.

831. IPHAN is also responsible for the preservation and dissemination of heritage values. Its incentive in conserving the historical, architectural and artistic assets of Brazil is not only based on their specific aspects of interest; the preservation of sites, including monuments, upgrades the urban environment in general as well as the economy, while above all shaping the manner in which social identities develop in parallel to an awareness of the past. Some of these characteristics extend to items such as paintings, sculptures and manuscripts; artefacts and items of traditional use such as pottery and ceramics, weapons and kitchen utensils; and books. The preservation of personal items, furniture and fittings is underwritten by government grants, as well as tax incentives. Through this system, the Brazilian Government and the state administration maximize their contribution to the private sector to conserve the nation's heritage.

832. Through IPHAN, the Brazilian Government is responsible for preserving the nine locations designated World Heritage Sites by UNESCO: the urban and architectural complex at Ouro Preto, Minas Gerais State; the historic centre of Olinda, Pernambuco; the ruins of the São Miguel church and the Jesuit missions at Guarani, Rio Grande do Sul State; the historic centre of Salvador, Bahia State; the sanctuary of Bom Jesus de Matozinhos, Minas Gerais State; the archaeological sites at São Raimundo Nonato in the Serra de Capivara National Park, Piaui State; the urban, architectural and landscape complex of Brasilia, Federal District; the Iguaçu National Park, Paraná State; and the historic centre of São Luís, Maranhão State. These sites were recently joined by the town of Diamantina, which has also been designated a World Heritage Site.

833. The current heritage policy of Brazil's Ministry of Culture is aimed at preserving the heritage of all ethnic groups that helped build the Brazilian nation. A good example of this can be found in the support provided by the Ministry for the project to restore the first synagogue in the Americas, built in 1641 in Recife by Jewish immigrants from the Netherlands and the Iberian Peninsula.

834. From 1996 to 1999, 687 projects were undertaken all over Brazil in the fields of artistic, historical and cultural heritage. During this period, the Ministry of Culture invested Cr$ 87,427,663 to establish cultural centres and preserve and renovate churches, theatres and museums. In 1995, some Cr$ 6,500,000 underwrote 60 activities. Last year, funding was assigned to the construction, expansion, restoration and renovation of 32 theatres and scenic centres, including the Tarauacá Municipal Theatre in Acre State, the Tobias Barreto Theatre in Aracaju, Sergipe State, the São João Del Rey Municipal Theatre in Minas Gerais State and the Ilhéus Municipal Theatre in Bahia State.

835. Map No. 3 shows the location of the investments by the Ministry of Culture from 1996 to 1999 all over Brazil.

836. Mass communications and widespread information are the most important means of access to cultural assets, the arts and the sciences. Legislation should pave the way for the electronic media to diversify and extend the many different types of artistic expression, expanding the content and enhancing cultural values accessible to societies. Many different educational programmes make good use of these media to disseminate knowledge, as well as for lessons in the classroom.

837. Extending the scale of the cultural messages and information disseminated by audio-visual and graphic media requires certain precautions in order to avoid negative effects. Legislation should impose controls that ensure widespread democratization mechanisms for the means of production, producing a society able to build an active, creative relationship with information.

Map No. 3

Source: Ministry of Culture.

838. In order to achieve these objectives, the Brazilian Government is updating its legal framework, in accordance with technological and social changes. Cable television was regulated by Law No. 8,977 and Decree Law No. 2206 dated 14 April 1997, with the core objective of promoting national and universal culture and broadening the sources of information, recreation and entertainment and political plurality.

839. Table 93 below gives the percentages of Brazilian households with radio and television sets, by region.

Table 93

Households with radio and television in 1996 (%)

Region	Radio	Black and white TV	Colour TV
North	79.02	48.82	66.30
North-east	83.29	41.14	52.93
South-east	94.30	51.50	85.98
South	94.77	58.76	77.32
Centre-west	87.21	42.06	73.77
Brazil	90.33	46.74	74.12

Source: National Household Sampling Survey (PNAD/IBGE) 1996.

840. The Brazilian Government included cinematography and audio-visual productions among the high-priority cultural activities to be supported and financed. In order to boost output and buttress Brazil's movie-making industry, it issued the Audio Visual Act (Law No. 8,685/93, amended by Law No. 9,323/96) and established the Cinema Commission, an entity that comprises several different ministries, including the Ministry of Culture, as well as representatives from the audio-visual sector.

841. Keenly aware of the importance of new information and communication technologies and the quantum leap they have taken in terms of both quality and output, the Ministry of Culture is striving to structure innovative ways of disseminating cultural information over the Internet. Of particular interest here is the National Cultural Information System (SACI - Sistema Nacional de Informações Culturais), which is a reference resource gathering together cultural information from a wide variety of institutions.

842. Mass access to culture produced not only in Brazil but also in other countries is also covered by the Government's cultural policy through cultural exchanges that include exhibitions, cinema festivals and many other events.

843. One of the most important programmes run by the Ministry of Culture, working closely with the IDB and UNESCO, is the Monument Programme (Programa Monumenta). The purpose of this programme is to revitalize the main urban heritage complexes in Brazil, several of which are already classified as World Heritage Sites. This is an ongoing nationwide programme that absorbed funding of over US$ 200 million during its first three years, constituting the largest heritage preservation investment ever made in Brazil during a single government term of office. In addition to the IDB and the Brazilian Government, the state and municipal governments also helped fund the programme, along with foundations and corporations.

844. The basic principle of the Monument Programme is not only to restore the nation's heritage, but also to create the conditions needed to ensure its permanent maintenance, gradually replacing restoration by conservation. The programme is based on the acceptance of the importance of teaching that stresses the need for everyone to care for their common heritage and respect it, not only in terms of its artistic, historical and/or cultural value, but also for what it represents in terms of a significant contribution to the nation's development. Based on this logic, restoration activities have been implemented, adapting historic buildings for economic use, installing commercial establishments and financing their working capital, organizing artistic and other events focused on historical themes related to the areas being restored, training the labour-force in conservation techniques and the management of historic sites and monuments, encouraging the conservation and tourism sectors and boosting regional cultural output.

845. There are no constraints on freedom of creation in Brazil. Item IX of article 5 of its Constitution guarantees free expression for intellectual, artistic and scientific activities as well as communications, unfettered by censorship or licences. In practice, freedom of speech is fully exercised by society in general, in many different aspects.

846. Accounting for a significant portion of job generation and GDP (as shown below in table 94), the cultural sector has been encouraged by different spheres of Government, becoming more dynamic with better-trained human resources. Over the past few years, taking a specific segment as an example, 120,000 people were trained for jobs in the hotel, food, transportation and entertainment sectors. Tourism is covered by the North-East Tourism Development Programme (PRODETUR - Programa de Desenvolvimento do Turismo no Nordeste), which promotes a region endowed with natural conditions that are perfect for tourism activities linked to the environment. Other parts of Brazil are also covered by tourism incentive programmes tailored to their regional characteristics.

Table 94

Brazil: Cultural sector - formal jobs, 1996

	Capitals	Others	Total
Cultural sector	395 318	291 134	690 878
% participation	3.44	2.36	2.90
Total	11 496 512	12 326 777	23 830 303

Source: RAIS, 1996.

847. Links between the Ministries of Culture and Labour underpinned the establishment of worker training programmes in cultural sectors that are of much importance in upgrading the qualifications of human resources in the cultural field. At the moment, the Ministry of Culture is striving to provide cultural talents with the conditions needed for vocational upgrades, through buttressing the feasibility of cultural exchanges with other parts of the country.

848. Similarly, links between the Ministry of Education, the National Historical and Artistic Heritage Institute (IPHAN) and teaching institutions have been set up in order to introduce workshop-schools in two state capitals in north-east Brazil offering vocational training to youngsters aged 14 to 24 years through participating in the restoration of assets forming part of Brazil's historical heritage. These students learn their trades in workshops specializing in masonry, carpentry, woodworking, ironwork, printing, stonework and stucco. Theoretical and practical classes are given by architects, restorers and master-craftsmen.

849. The dissemination of culture also includes awarding study grants in Brazil and abroad underwriting further study, specialization and recycling of writers, artists and technical experts linked directly to artistic and cultural output. The Virtuosi Programme (Programa Virtuose) symbolizes this drive, supporting initiatives that are expected to contribute to professional development and improve the performance of the individual on the labour market. Grants are awarded to professionals who have achieved an acknowledged level of professional maturity, selected through a process that analyses their resumés, the quality of their training project and/or upgrade plan, as well as the excellence of the institution selected.

850. Brazil's Ministry of Culture has been working intensively to expand cultural participation for the disabled, who are estimated to number 10 per cent of the Brazilian population, or over 16 million people.[34]

851. Brazil's National Art Foundation (Funarte - Fundação Nacional de Arte), the entity promoting and researching art and culture under the Ministry of Culture, has been running the Art Without Barriers Programme (Arte Sem Barreiras Programa) for the past 10 years, working closely with Very Special Arts International, which is a non-governmental organization established in 83 countries promoting art, education and creative expression among young people and adults who are disabled. So far, four national special education art congresses have been held, as well as five national Art Without Barriers festivals, in addition to courses, exhibitions, training sessions and shows, and providing social and cultural guidance and sponsoring trips by disabled artists in Brazil and abroad.

852. Under the aegis of IPHAN, firm measures are being taken to ensure easy access for the disabled to the assets constituting Brazil's historical and artistic heritage. Government attention and efforts towards the full integration of the disabled are also reflected in the recruitment by the Ministry of Culture of disabled persons with university degrees or high school diplomas; these staff numbered 47 in July 2000, out of a total of only 320.

853. In 1999, the National Council for the Rights of the Disabled (CONADE - Conselho Nacional dos Direitos da Pessoa Portadora de Deficiência) was established. It is a high-level entity with powers of decision whose function is to strive on many different fronts for full citizenship for this sector of the population, interacting with a wide variety of ministries. With a seat on the Council, the Ministry of Culture is seeking to extend cultural citizenship to the disabled to an even greater extent in Brazil.

854. From here on, the Brazilian Government will refer more specifically to the fields of science and technology, from the standpoint indicated by article 15 of the International Covenant on Economic, Social and Cultural Rights.

855. The Brazilian Constitution also includes scientific, artistic and technological creations as part of the nation's cultural heritage. Furthermore, it defines as being the right of all the enjoyment of an ecologically well-balanced environment. Consequently, it assigns various government sectors the duty of preserving these assets, as follows: (i) protecting the environment and combating pollution in any form whatsoever; (ii) preserving forests, plant life and wildlife; (iii) recording, monitoring and overseeing the granting of prospecting and exploration rights for water and mineral resources within their territories. It also establishes that the sphere of competence of these levels of Government should include legislating on: (i) nature conservation and the protection of the soil and natural resources, environmental protection and pollution control; (ii) protection of tourist attractions and heritage landscapes; and (iii) responsibility for damage to the environment as well as assets and rights of value to tourism and the landscape. The jurisdiction for protecting the environment and overseeing its use falls under the Brazilian Institute for the Environment and Natural Resources (IBAMA - Instituto Brasileiro para o Meio Ambiente e Recursos Naturais).

856. At the constitutional level, the State is obliged to undertake technological research seeking solutions to the problems of Brazil and the development of its production system (art. 218). Access to science is also a right covered by the Brazilian Constitution in article 23, with the State being responsible for providing the means required for such access. The Brazilian Government has been striving to deal with countless shortcomings in this field and has assigned high priority to basic science, supporting training courses and providing the conditions and means required for scientific output. The Government funds these activities through budget allocations to Government-run research incentive entities, and offers incentives to companies investing in this field.

857. In order to foster the dissemination of information on scientific progress, the Ministry of Science and Technology is undertaking a set of activities, including the following under the Pluri-Annual Plan (2000-2003):

(a) Encouraging the dissemination of scientific and technological output;

(b) Producing and disseminating science and technology indicators;

(c) Strengthening the State Information System for science and technology.

858. In the guidelines for the report the Committee clearly states its interest in learning about measures that block the use of scientific and technical progress for purposes running counter to the full enjoyment of all human rights, including the right to life, health, individual freedom, privacy and similar rights.

859. In other parts of this report, the Brazilian Government comments on several of these aspects. It would like to stress here that Brazilian legislation and government actions work together to safeguard these rights, without this imposing constraints on legitimate freedom of expression, research and the use of scientific and technological progress. However, the State must necessarily be present through the regulatory authority in order to maintain an even balance between these two approaches: individual freedom and respect for human rights. In illustration, it is worthwhile mentioning here that the State has jurisdiction over research in and the manipulation of genetic materials in Brazil, as well as controlling the output, marketing and use of techniques, methods and substances that threaten life and the quality of life or the environment.

860. In terms of scientific, literary or artistic output, there is an entire framework established in Brazil that is designed to protect not only material interests but also safeguards moral aspects. Authors' rights are guaranteed by article 5 of the Brazilian Constitution through items XXVII and XXVIII, whose provisions are also regulated in lengthy laws that confirm the moral and material rights of the author. After the updating of the Brazilian Criminal Law Code and the signature of international conventions on this matter, Law No. 9,610 was approved on 19 February 1998, updating Brazilian legislation on authors' rights, which dated back to December 1973 (Law No. 5,988).

861. As part of the fundamental guarantees and rights of authors the Brazilian Constitution extends to their heirs the exclusive right of use, publication or reproduction of their works. Furthermore, it also guarantees the protection of individual works in group shows, the reproduction of human voices and images, including in sports, as well as the right to oversee the economic use of works in the creation of which the authors have participated, with actors and their respective trade unions and associations. Similarly, industrial inventors are endowed with the temporary privilege of use, in addition to protection covering industrial creations, ownership of trademarks and brand names, company names and other distinctive signs, in accordance with social interests and the technological and economic development of Brazil. This constitutional guarantee was ratified in 1996 by Brazil's new Industrial Property Act (1996) and its Authors' Rights Act (1998), which altered and updated general legislation on intellectual property.

862. This new Industrial Property Law assigns the National Industrial Property Institute (INPI - Instituto Nacional da Propriedade Industrial) the duties and responsibilities of implementing the rules and standards regulating industrial property nationwide in Brazil and to decide whether to sign, ratify or withdraw from conventions, treaties, covenants and agreements on industrial property.

863. Intellectual property is a matter of rising importance for the Brazilian economy, opening up a channel for entering the international community. INPI is seeking to become an increasingly powerful tool for Brazil's industrial and technological policies by extending the modernization process and decentralizing its activities. One of its key targets is to become more active and dynamic with its customers, assigning high value to innovation and meeting fresh demands. Consequently, INPI has been making available the technical information in its permanent collection, stored in over 24 million patent documents filed by companies, government entities and others, through specific programmes.

864. In order to comply with Brazilian law on authors' rights, the Central Royalties Collection and Distribution Bureau (ECAD - Escritório Central de Arrecadação de Distribuição) opened in 1997. In 1998, the volume of funding brought in by this entity reached some US$ 77 million. It is important to stress that it is hard to ensure compliance with Brazil's Authors' Rights Act, owing to the limited human resources available for inspecting this continent-size country.

865. The conservation, development and dissemination of science and culture are backed by measures introduced at the constitutional level covering Brazil's teaching system and the communications media. According to article 218 of the Brazilian Constitution, basic research should be allocated top priority by the State, while technological research should focus mainly on seeking solutions to Brazilian problems as well as furthering the development of domestic and regional production systems. Consequently, the State is responsible for supporting human resources training in the fields of science, research and technology, as well as for offering special conditions for the performance of these activities. As a result, the individual states may assign a portion of their budget revenues to government research-support entities.

866. As stipulated in the Brazilian Constitution, the Federal Government is responsible for maintaining a range of institutions of higher learning which produce much of Brazil's scientific output. Furthermore, it makes provision for encouraging companies investing in research and technological development, as well as in human resources training; enhancing the value of teaching professionals, introducing career plans for the Government-run teaching system with a wage threshold and entry permitted only through public competition based on tests and diplomas; the introduction of a single juridical system for all the institutions maintained by the Federal Government.

867. It is also important to stress that at the government level, incentives for scientific and technological output are basically the responsibility of two government entities: the National Scientific Research Council (CNPq - Conselho Nacional de Pesquisas Cientificas) and CAPES, whose 1998 budgets totalled some CrS 937 million. Their actions are focused on training human resources, underwriting research, and disseminating scientific knowledge.

868. In the field of training researchers, these two institutions expended some CrS 600 million on study grants. Research incentives were also handled through financing research projects, as well as remunerating researchers and allocating funds to research centres. Furthermore, fresh support for the field of science and technology and human resources training has become feasible through the appearance of foundations providing support for university-level educational institutions working mainly with federal entities. The dissemination of knowledge is handled through specific lines of financing established by these entities, as well as university institutions through their publishing houses.

869. Freedom of scientific research and creation is assured once again by the Brazilian Constitution, whose article 5 stipulates freedom of expression for intellectual, artistic, scientific and communications activities with no censorship or licences. To a certain extent, its article 206 reiterates this concept by ensuring freedom for teaching, research and disseminating thought, art and knowledge.

870. Similarly, the freedom to exchange information, opinions and experiences at the scientific, technical and cultural levels is also assured and safeguarded through the Brazilian Constitution as a basic right of citizens. The Brazilian Government feels that it is important to stress to the Committee on Economic, Social and Cultural Rights that article 5 of the Brazilian Constitution enshrines the concerns reflected in the guidelines for the preparation of the reports of the States parties on the International Covenant. Consequently, the Brazilian Constitution imposes conditions applicable to both the Government and society ensuring that the manifestation of thoughts and the expression of intellectual, artistic and scientific activities, as well as communications, meet the need to safeguard the inviolability of intimacy and private life, as well as the good name and reputation of individuals, without censorship and guaranteeing the right to compensation for material or moral damages in case of violation.

871. Simultaneously, the freedom to exercise any type of work, craft or profession, in accordance with the professional qualifications stipulated under law, is assured, with access for all to information, with the necessary protection for the confidentiality of sources when required for professional reasons.

872. When requested, and under the aegis of certain programmes, the Ministry of Culture supports cultural associations in many different areas. Consequently, 152 municipal projects all over Brazil received backing from the National Culture Fund, which also underwrote repairs to buildings where cultural centres were established and equipment was installed, endowing communities with areas designed to boost the dynamics of cultural life in these communities. The implementation of these cultural centres is based on assigning high priority to restoring buildings with historical value, so that these investments also foster the preservation of Brazil's cultural heritage.

873. Support for international scientific and cultural activities is reflected in countless educational exchange agreements with many different countries, providing access to Government-run universities in Brazil for foreign students, while Brazilian students can take courses at foreign universities. At the graduate and research levels, CAPES and the CNPq run grant programmes underwriting studies abroad. In the field of scientific research, Brazil has signed bilateral cooperation agreements and in 1998 was a member of 17 international entities specializing in science and technology. It also signed agreements with 46 foreign entities linked to the fields of science and technology.

874. International assistance is perceived by the Brazilian Government as highly significant. The development of new knowledge, expertise, know-how and technologies leaps national and cultural borders, particularly through the internationalization of companies and capital. The nature of research is in itself international. The Brazilian Government consequently feels that it is vital to encourage technological transfers and support basic and strategic scientific research implemented through universities and many different research entities and councils, as well as other related organizations. A number of institutions have been participating in these developments, including the National Scientific Research Council (CNPq), EMBRAPA, EMATER, the National Confederation of Industry (CNI - Confederação Nacional da Indústria),

IBICT and the Studies and Projects Financing Agency (FINEP - Financiadora de Estudos e Projetos). All these entities open up significant opportunities for research and its dissemination among micro-, small and medium-sized enterprises, as well as Brazilian companies or corporations operating in Brazil. A particularly noteworthy programme that rates high in importance for encouraging research and consolidating an effective monitoring system for the development of scientific and technological research is the Centres of Excellence Support Programme (Programa de Apoio a Núcleos de Excelência).

875. Scientific and technological research activities can be undertaken by universities, research centres, specialized institutions, Government-run enterprises and private corporations as well as small and medium-sized companies, but in many cases networking and links are required to many different segments of society through partnerships, as well as international assistance and cooperation programmes. The Brazilian Government assigns particular importance to international cooperation programmes that include activities for which Brazil is not endowed with comparative advantages in terms of building up know-how, expertise and specialized technologies.

876. The assistance heading includes joint research and technological development projects; scientific, technological and technical exchanges as well as training and qualification activities; expanding programmes, projects and understandings between institutions in the countries involved that specialize in the basic and applied sciences; the organization of congresses, conventions, seminars, workshops, etc. attended by researchers from various countries; exchanges of scientific and technological information.

877. In cases where this assistance involves joint creation and cooperation, issues related to intellectual property rights often arise that are normally resolved under these projects and programmes, in accordance with Brazilian law as well as the legal requirements of the other parties involved, in addition to international agreements to which both sides are signatories.

Notes

[1] The Brazilian Institute for Applied Economic Research.

[2] References to human rights in the Federal Constitution of Brazil.

Article 1

The Federative Republic of Brazil, formed by an indissoluble union of states and municipalities and the Federal District, is a democratic State constituted under the Rule of Law and founded on the following principles:

I. Sovereignty;

II. Citizenship;

III. The dignity of the human person/human beings;

IV. The societal values of labour and free enterprise;

V. Political pluralism.

Sole paragraph - All power emanates from the people, who exercise it by means of elected representatives or directly, pursuant to the Constitution.

Article 3

The fundamental objectives of the Federative Republic of Brazil are:

I. To build a free, just and supportive society;

II. To guarantee national development;

III. To eradicate poverty and substandard living conditions and to reduce social and regional inequalities;

IV. To promote the well-being of all, without prejudice as to origin, race, sex, colour, age and any other forms of discrimination.

Article 4

The Federative Republic of Brazil's international relations are governed by the following principles:

I. National independence;

II. The preponderance of human rights;

III. Self-determination of peoples;

IV. Non-intervention;

V. Equality among States;

VI. Defence of peace;

VII. Peaceful dispute settlement;

VIII. Repudiation of terrorism and racism;

IX. Cooperation among peoples for the progress of mankind;

X. Granting of political asylum.

Sole paragraph - The Federative Republic of Brazil shall seek the economic, political, social and cultural integration of the peoples of Latin America, with a view to the formation of a Latin American community of nations.

Article 5

All persons are equal in the eyes of the law, with no distinction whatsoever. Brazilians, and foreigners residing in Brazil, are guaranteed the uninfringeable right to life, liberty, equality, security and property, as follows:

I. Men and women have equal rights and duties under this Constitution;

VI. Freedom of conscience and of belief are inviolable. Religious sects are guaranteed the free exercise of their beliefs, and the legal right to protection for their places of worship and rituals;

VII. Under the terms of the law, the rendering of religious assistance in civil and military establishments of collective confinement is ensured;

VIII. No person shall be deprived of any rights by reason of religious belief or philosophical or political conviction, unless such persons invoke them to exempt themselves from legal obligations required of everyone, and refuse to perform alternative duties determined by law;

IX. Intellectual, artistic, scientific and communication activities are covered by the right to freedom of expression, independently of censorship or licenses;

X. The privacy, private life, honour and image of persons are inviolable, and the right to compensation for property or moral damages resulting from their violation is ensured;

XI. The home is the inviolable refuge of the individual, and no one may enter therein without the consent of the dweller, except in the event of "flagrante delicto" or disaster, or to attempt a rescue, or, during the day, by court order;

XII. The confidentiality of correspondence and of telegraphic, data and telephone communications is inviolable, except, in the latter case, by court order, in the cases and in the manner prescribed by the law for the purposes of criminal investigations or fact-finding during criminal procedures;

XIII. Any work, trade or profession may be freely exercised, pursuant to laws regarding professional qualifications;

XIV. Access to information is guaranteed to all; the confidentiality of sources shall be safeguarded whenever required by the professional activity in question;

XV. During peacetime persons may move freely within Brazil's territory and any persons may, under the terms of the law, enter into Brazil's territory, remain therein or leave it with their assets;

XVI. All persons may hold peaceful meetings, without weapons, in places open to the public, irregardless of authorization, provided that they do not frustrate another meeting previously convened in the same place, subject only to prior notice to be given to the proper authority;

XVII. Freedom of association for lawful purposes is fully guaranteed; association for paramilitary purposes is forbidden;

XXXVII. No tribunal or court shall be set up to try extraordinary matters;

XLI. The law will punish any discrimination which attempts to attack fundamental rights and freedoms;

XLII. The practice of racism is a non-bailable crime, with no statute of limitations, subject to the penalty of confinement, under the provisions of the law;

XLIII. The practice of torture, illegal trafficking in narcotics and related drugs, terrorism, and offences defined as heinous crimes shall be considered to be non-bailable crimes that are not subject to pardons or amnesty. Accessories before the fact, principles in the first or second degree and those guilty of omission in preventing the crime will all be held liable.

XLVII. The following sanctions are forbidden:

(a) The death penalty, except in the case of a formally declared war, pursuant to article 84, XIX.

(c) Hard labour;

(d) Banishment;

(e) Cruel punishment;

XLIX. The physical safety and moral integrity of prisoners is guaranteed;

Paragraph 1: The provisions defining fundamental rights and guarantees are immediately applicable.

Paragraph 2: The rights and guarantees expressed in this Constitution do not exclude others deriving from the legal system and from the principles adopted by the Constitution, or from international treaties to which the Federative Republic of Brazil is a party.

Article 6

The social rights set forth in this Constitution are the right to education, health, work, leisure, safety, social security, protection for mothers and children, and assistance in the case of destitution.

Article 7

The following are rights of urban and rural workers, among others that aim to improve their social status:

I. Employment with protection against arbitrary dismissal or against dismissal without proper cause, pursuant to a supplementary law that shall determine severance pay, among other rights;

II. Unemployment insurance, in the event of involuntary unemployment;

III. A severance pay fund;

IV. A nationally unified minimum monthly wage, determined by law, capable of covering the basic needs of workers and their families with regard to housing, food, education, health, leisure, clothing, hygiene, transportation and social security, with periodic adjustments to maintain its purchasing power. This monthly wage may not be used as an index for any purpose;

V. A salary floor in proportion to the extent and complexity of the work being done;

VI. Wage irreducibility, except when determined by collective agreements or covenants;

VII. For those receiving variable wages, no wage shall be less than the minimum;

VIII. A yearly bonus equivalent to one full month's pay or pension, to be given at the end of the year.

IX. Night-shift work should pay more than daytime work;

X. Wage protection pursuant to the law: withholding of wages intentionally is a felony;

XI. The right to share in company profits or results, independently of earnings, and in exceptional cases, to participate in the management of the company, as defined by law;

XII. A family allowance for their dependents;

XIII. Normal working hours shall not exceed eight hours per day and forty-four hours per week; options include compensatory time for hours worked or the reduction of the workday, to be decided by collective bargaining or agreements;

XIV. A workday of six hours for work carried out in continuous shifts, unless decided otherwise by collective bargaining;

XV. Paid weekly leave, preferably on Sundays;

XVI. Overtime pay at rates at least 50 per cent higher than rates paid for normal work;

XVII. An annual vacation with remuneration at least one third higher than the normal salary;

XVIII. Maternity leave without loss of job and salary, for a period of one hundred and twenty days;

XIX. Paternity leave, under the terms determined by law;

XX. Protection of the labour market for women through specific incentives, as provided by law;

XXI. At least thirty days advance notice before dismissal; such notice will be proportional to the length of service, as required by law;

XXII. The reduction of job-related risks by enforcing health, hygiene and safety standards;

XXIII. Additional remuneration for strenuous, unhealthy or dangerous work, as required by law;

XXIV. A pension upon retirement;

XXV. Free assistance for children and dependents from birth to six years of age in day-care centres and pre-school facilities;

XXVI. Recognition of collective bargaining agreements and conventions;

XXVII. Protection in the face of automation, as required by law;

XXVIII. Occupational accident insurance, to be paid for by the employer, without excluding the employer's liability for indemnity in the event of malice or fault;

XXIX. Legal action with respect to monies owed as a result of employment relationships will be time-barred after:

(a) Five years for urban workers, up to the limit of two years after the end of the employment contract;

(b) Up to two years after the end of the contract for rural workers;

XXX. The prohibition of any difference in wages, in the performance of duties and in hiring criteria because of sex, age, colour or marital status;

XXXI. Prohibition of any discrimination with respect to wages and hiring criteria regarding workers with disabilities;

XXXII. Prohibition of any distinction between manual, technical and intellectual work or among the respective professionals;

XXXIII. Prohibition of night, dangerous or unhealthy work for minors under eighteen years of age, and of any work for minors under fourteen years of age, except as an apprentice;

XXXIV. Equal rights for workers with a permanent employment bond and for sporadic workers.

Sole paragraph: Domestic servants are guaranteed the rights set forth in items IV, VI, VIII, XV, XVII, XVIII, XIX, XXI and XXIV, in addition to the right to be covered by the social security system.

Article 8

All persons are free to join professional associations or trade unions:

I. The law may not require State authorization for a union to be founded, except for the authorization to register the union under the competent agency; the Government may not interfere or intervene in the union;

II. Only one trade union representing a professional or economic category, at any level, may exist in each territory, to be defined by the workers or employers in question; such a territory may not cover less than the area of one municipality;

III. The union is responsible for defending the collective or individual rights and interests of the professional group in question, including legal or administrative disputes;

IV. A general assembly shall determine the trade union dues that will be discounted from the payroll in the case of certain specific professions. Such monies will be used to support the system comprising confederations of each respective type of trade union, irregardless of the dues required by law;

V. No one shall be required to join or to continue to be a member of a trade union;

VI. Collective labour bargaining must include unions;

VII. Union members who have entered into retirement shall be entitled to vote and be candidates during union votes;

VIII. The dismissal of unionized employees is forbidden as of the moment when they register as candidates for office as a union director or representative. If elected, even as a substitute, they may not be dismissed for up to one year after the end of their term of office, unless they commit a serious offence under the law.

Sole paragraph - The provisions of this article apply to the organization of rural unions and to those representing fishing communities, with due regard for the conditions required by law.

Article 9

The right to strike is guaranteed. Workers are responsible for making decisions as to the advisability of exercising that right and regarding the interests to be defended thereby.

Paragraph 1: The law shall define essential services or activities and issue rulings regarding pressing community needs that must be met.

Paragraph 2: Any abuse of these rights shall subject those responsible to the penalties of the law.

Article 10

Labour and management are guaranteed the right to participate in the collegiate bodies attached to government agencies when their professional or social security interests are the object of discussion and resolutions.

Article 11

Employees in companies with more than 200 workers are guaranteed the right to elect a labour representative for the exclusive purpose of furthering direct negotiations with management.

Article 34

The Federal Government (the Union) shall not intervene in the states or in the Federal District, except:

VII. To ensure compliance with the following constitutional principles:

(b) The rights of individuals.

Article 196

Health is everyone's right and the State's duty, to be guaranteed by means of social and economic policies aimed at reducing the risk of illness and other hazards and at ensuring universal and equal access to activities and services for health promotion, protection and recovery.

Article 205

Education, which is the right of all and the duty of the State and the family, shall be promoted and fostered with the cooperation of society at large, with a view to the full development of individuals, their preparation for the exercise of citizenship and their qualification for work.

Article 215

The State shall ensure that everyone may fully exercise their cultural rights and enjoy access to the sources of national culture. The State shall also support and foster the appreciation and dissemination of cultural manifestations.

Paragraph 1 - The State shall protect the manifestations of grass roots, Indian and Afro-Brazilian cultures, as well as those of other groups participating in the advancement of Brazil's civilization.

Article 217

The State is responsible for encouraging the practice of formal and informal sporting activities, as a right of each individual, with due regard for:

Article 218

The State shall promote and foster scientific development, research and technological expertise.

Article 220

The manifestation of thought, creation, expression and information, in any form, process or medium shall not be subject to any restriction, pursuant to the provisions of this Constitution.

Article 225

Everyone has the right to an ecologically balanced environment. The environment is an asset to be shared by all and is essential to a healthy quality of life. Both the Government and the community have the duty to defend and preserve it for present and future generations.

Article 227

The family, society at large and the State are responsible for ensuring that children and adolescents will be given absolute priority with regard to the right to life, health, nourishment, education, leisure, professional training, culture, dignity, respect, freedom and family and community life, as well as for guarding them from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression.

Article 228

Minors under eighteen years of age may not be held criminally liable and shall be subject to the rules of special legislation.

Article 231

The social organization, customs, languages, creeds and traditions of Indians are hereby recognized, as well as their original rights to the lands they traditionally occupy, it being incumbent upon the Union to demarcate them, while protecting and ensuring respect for all of their property.

Article 232

Indians and their communities and organizations are legally empowered to be parties to lawsuits to defend their rights and interests; the Public Ministry will be a part of all the procedural aspects of such cases.

[3] The Public Ministry is a uniquely Brazilian institution, a fourth branch of power comprising public prosecutors.

[4] Once the Law had passed, Brazil's Consolidated Labour Laws contained in Decree-Law 5452, dated 1 May 1943, went into effect with the following alterations:

"SECTION I

Duration, Workplace Conditions and Discrimination against Women

.....

Article 373 A. With the exception of legal provisions designed to correct distortions that affected the access of women to the workplace and certain specificities agreed to in labour accords, it is illegal to:

I. Publish, or cause to be published, any employment advertisement which makes reference to gender, age, colour or family status, unless the nature of the activity openly and evidently so requires;

II. Refuse employment or promotion, or to motivate the dismissal from employment, of a person based on gender, age, colour, family status or status vis-à-vis pregnancy, unless there is open and evident incompatibility with the nature of the activity in question;

III. Consider gender, age, colour or family status as a determinant for the purposes of remuneration, professional training and opportunities for professional advancement;

IV. Require a certificate or examination of any nature to prove sterility or the status vis-à-vis pregnancy for the purposes of hiring or keeping staff on the job;

V. Impede access to or adopt subjective criteria regarding approval for registration or approval in civil service examinations, in private companies based on gender, age, colour, family status or status vis-à-vis pregnancy;

VI. Have employers or their underlings conduct intimate bodily searches of female employees or staff members.

Sole paragraph The provisions of this article do not impede the adoption of temporary steps designed to establish equal policies for men and women, particularly those designed to correct distortions that affect professional training, job access and general conditions for women's work."

"Article 390 A. (VETOED)."

"Article 390 B. Openings in courses to train the labour force run by government institutions, by employers themselves or by any vocational training entity shall be offered to employees of both sexes."

"Article 390 C. Companies with more than one hundred employees of both sexes should offer special professional incentives and advanced training programmes to their labour force."

"Article 390 D. (VETOED)."

"Article 390 E. Companies may enter into associations with professional training organizations, civil society organizations, cooperative groups, public bodies and entities or trade union groups, and may also sign agreements for the development of joint efforts, with a view to implementing projects to encourage women's work."

"Article 392 .....

.....

§ 4. Employees are guaranteed the following rights during pregnancy without prejudice to their salaries and other rights:

I. A transfer with regard to employment responsibilities when required by health considerations; the woman has a guaranteed right to discharge her previous responsibilities once again as soon as she has returned to the workplace;

II. The right to be excused from work for as long as is needed to visit doctors on at least six occasions and to have additional complementary medical exams."

"Article 401 A. (VETOED)."

"Article 401 B. (VETOED)."

The Executive Branch issued a partial veto of the Bill of Law in Message 673 on 26 May 1999, pursuant to paragraph 1 of article 66 of the Federal Constitution, for the following reasons:

The Ministry of Justice was heard and stated the opinion that articles 390 A, 390 D, 401 A and 401 B transcribed below should be vetoed:

"Article 390 A. The dismissal of a worker is considered null and void when it is the result of a suit that is filed on the basis of the violation of the principles of professional equality and equal opportunity among men and women."

The veto is explained as follows: the dismissal of a worker is considered null and void when the same worker files a suit alleging discrimination. This nullification of the dismissal creates job tenure, which is contrary to Article 7, I of the Federal Constitution, and which has not permitted tenure as a general rule. Furthermore, as stated above, the command would encourage lawsuits as a way to achieve job tenure in a preventive fashion. This, after all, would create an effect that runs contrary to what is desired, in turn leading to greater restrictions when hiring women instead of protecting them. Thus, as the provision in question does not establish an exact time period for the tenure and is generic in nature, it is deemed to be unconstitutional and therefore should be vetoed.

"Article 390 D. When the employment relationship is interrupted by a discriminatory act the employee may opt between:

I. Readmission with full compensation for the entire period off the job, by paying the remuneration that was due plus monetary corrections and the additional interest required by law;

II. Receipt of double remuneration for the period off the job, plus monetary corrections and the additional interest required by law.

When explaining its veto the Executive Branch quoted the law that covers the issue. The provision is a mere copy of Article 4 of Law 9029/95, (please see the aide-memoire report attached to Convention 111 - Year 1995) currently in effect. This situation flouts the provisions of Article 7, IV of Complementary Law 95/98, which prohibits the regulation of the same matter by more than one law. As this Bill of Law neither intends to substitute Law 9029/95 nor revokes it expressly, the provision should be vetoed as being contrary to public interest by promoting a multitude of legal commands, all of which are identical in nature."

"Article 401 A. The following discriminatory practices are a crime:

I. Requiring a test, exam, an expert opinion, a ruling, a certificate, a declaration or any other procedure regarding sterilization or status vis-à-vis pregnancy;

II. The adoption of any measures by the employer that constitute:

(a) inducement or instigation to genetic sterilization;

(b) promotion of birth control. This does not preclude offering family planning counselling or services via public or private institutions in accordance with the standards of the Single Health System - SUS;

Penalty - one to two years of detention and a fine.

Sole paragraph. Those held responsible for the crime referred to in this article are:

I. The individual who is the employer;

II. The legal representative of the employer as defined by labour law.

III. The director assigned, by delegation or by direct authority, to public agencies and entities of the direct and indirect public administrative service and/or foundations of any of the branches of power in the Federal Government, in the States, in the federal district and municipalities."

For the same reason explained above, the Executive Branch vetoed this article because it felt that the matter had already been regulated by Article 2 of Law 9029/95. Furthermore, it felt that such an article would promote an undesirable insertion of a penal provision in the CLT, contrary to paragraphs II and IV of Article 7 of Complementary Law 95/98, which prohibits single laws that deal with separate issues, for example inserting a criminal matter into a labour law. It should be observed that crimes against the organization of work or labour which are an issue connected to labour laws are covered in the penal code and not in the CLT. Therefore, this provision should be vetoed as being contrary to public interests."

"Article 401 B. Without prejudice to the provisions of the previous article, offenders pursuant to Articles 373 A, 390 A, 390 B, 390 C, 390 D, 392, § 4 of this Consolidated Labour Law are subject to the following sanctions:

I. An administrative fine worth ten times the highest wage paid by the employer; such fine is to be increased 50 per cent in the case of a repeat offence;

II. A ban on loans or financing to be sought from official financial institutions".

Reasons for the veto: According to the Executive Branch the issue has already been regulated by Article 3 of Law 9029/95, which is why the provision should be vetoed as being contrary to public interest, as explained with regard to the provisions mentioned above.

[5] A provisional measure is a legal device contained in the 1988 Federal Constitution, which enjoys the force of law. Although the President of the Republic may issue such provisional measures, they must nevertheless be immediately submitted to the National Congress to be converted into a law within a time-frame of 30 days. If the provisional measure is not converted into a law, it must be reissued on a monthly basis.

[6] Article 5, items XVII to XX:

XVII. The freedom of association for licit purposes is full, while forbidden to those of a paramilitary nature;

XVIII. The creation of associations and, by law, of cooperatives does not require authorization, while state interference in their operations is forbidden;

XIX. Associations only may be compulsorily dissolved or have their activities suspended by legal decision, requiring in the first case transit in rem judicatam;

XX. No one may be compelled to be or remain a member.

[7] Article 8. The professional or trade union association is free, pursuant to the following:

I. The law may not demand authorization from the State to found a trade union, except when registered in the competent agency, the interference and intervention in the union organization being forbidden to the public authorities.

[8] Article 8:

II. It is forbidden to create more than one trade union organization, in any degree, representing a professional or economic category, in the same territorial base to be established by the interested workers or employers, and may not be less than the area of a county;

IV. The general meeting will fix the contribution that, when addressing a professional category, will be discounted from the payroll, to pay for the confederative system of the relevant union representation, regardless of the contribution prescribed by law.

[9] Article 9, introductory paragraph: The right to strike is ensured, its being up to the workers to decide on the opportunity to apply it and on the interests that they should defend through it.

[10] Article 10 of Law No. 7783, dated 28 June 1989:

I. Water treatment and supply; production and distribution of electricity, gas and fuel;

II. Hospital medical care;

III. Distribution and retailing of medicaments and food;

IV. Funeral homes;

V. Public transportation;

VI. Sewage and garbage collection and treatment;

VII. Telecommunications;

VIII. Storage, use and control of radioactive substances, nuclear equipment and material;

IX. Data processing relating to essential services;

X. Air traffic control;

XI. Bank clearance.

[11] Part of the statistics that are used to investigate problems relating to the theory and calculation of insurance in a collective.

[12] It is, however, worth mentioning that life expectancy at birth alone cannot be considered, since this indicator is heavily influenced by infant mortality which is still very high in Brazil. The analysis must be complemented, as will be seen in the text, by the indicator of additional life expectancy or survival at more advanced ages.

[13] The category of random workers includes stevedores, and the special beneficiary category includes rural producers, sharecroppers, rural partners and tenant farmers, and artisan fishermen who work in a family business system (Decree 3048/99).

[14] The ratio of outlay for benefits to GDP takes into account payment of all social security and welfare benefits paid by the INSS.

[15] With reservation to article 29.

[16] The literature on the determinants of child participation in the work force point to five major circumstances: (1) the participation of children in the work force - understood as the proportion of minors of a given age who are employed or seeking employment in relation to the total number of children in the same age bracket - increases with age and is greater among boys than among girls; (2) this participation is greater among blacks or mulattos; (3) the participation of children declines with the income level of their family; (4) the rate of participation of minors is higher in rural areas than in urban settings; (5) finally, in the case of Brazil's urban metropolitan areas, participation rates are higher in the south and the south-west than in the north and the north-east.

[17] The study does not cover the northern region.

[18] The issue of classification by race in Brazil deserves careful attention, as it hides prejudices and most often falsifies the portrayal of our national reality. A more complex, detailed data-collection and statistical-analysis system is being developed which will allow a more realistic diagnosis. Figures related to race in Brazil are also important for combating racism and racial discrimination.

[19] G.T. No. 4. National Housing Policy - SEDUPR.

[20] Examples taken from the study "Management of Land Use and Urban Grown Disjunctures", IPEA, 1998.

[21] Estimate based on data from the 1998 National Household Sampling Survey (PNAD IBGE). It should be stressed that this survey did not collect information on rural areas of Rondônia, Acre, Amazonas, Roraima, Pará and Amapá States.

[22] The data from the 1998 National Household Sampling Survey (PNAD) show that the illiteracy rate for the population aged 15-19 years was 4.8 per cent, rising to 6.2 per cent among young people aged 20-24 years, 7.7 per cent for those aged 25-29 years, 10.1 per cent for the 30-39 year group and 14.0 per cent for those aged 40-49 years, reaching 29.9 per cent for the population aged 50 years or more.

[23] From 1970 to 1998, the illiteracy rate for the population aged 15 years or more dropped 58.9 per cent. The reduction among young people aged 15-19 years was 80.2 per cent and 76.6 per cent among those aged 20-24 years, while for the group aged 40-49 years it fell 63.6 per cent, shrinking to 38.2 per cent among those aged 50 years or more.

[24] According to the forecast prepared by the Applied Economic Research Institute (IPEA) on the basis of the 1991 Census.

[25] Cf. data from the Higher Education Census by the Ministry of Education and Culture.

[26] In addition to measures designed to cover other welfare requirements (school meals, school buses, school health care, etc.), others are intended to upgrade teaching conditions, such as: (i) book distribution, educational materials and equipment; (ii) redefining curricula; (iii) changing management processes; and others.

[27] Analysing expenditures in this field and taking the performance of Brazil's GDP into consideration, outlays in this area corresponded to around 4.3 per cent of GDP in 1995. Comparing this result with other countries in Latin America, Fernandez et al show that although Brazil posted the highest share of welfare costs x GDP in Latin America in the field of education, it nevertheless ranks sixth, behind Costa Rica (5.4 per cent), Panama (4.9 per cent), Ecuador (4.6 per cent), Mexico (4.5 per cent) and Bolivia (4.4 per cent).

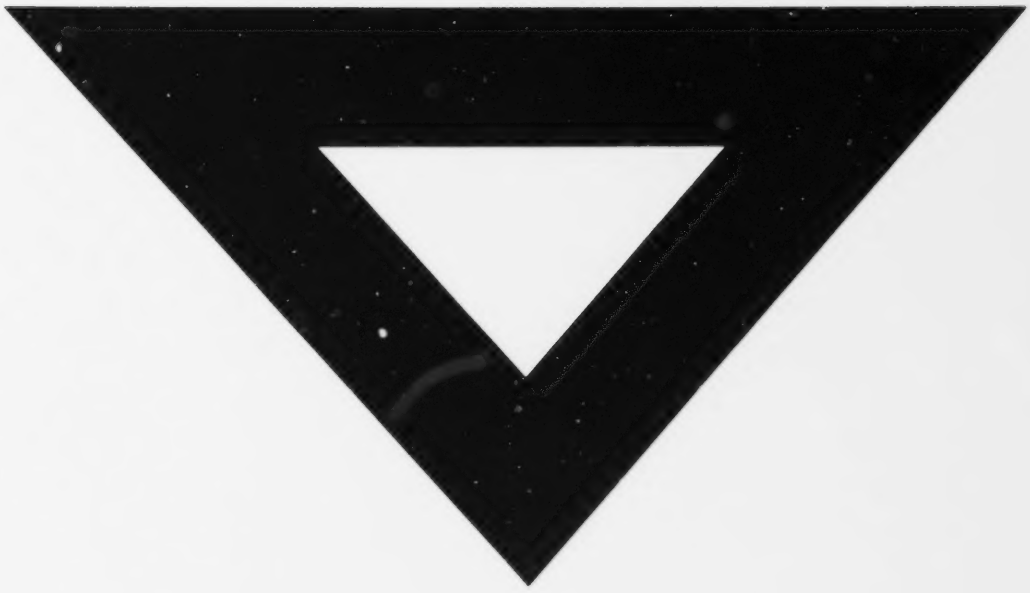
[28] Brazil is a Federative Republic consisting of the indissoluble Union of the states, municipal districts and the Federal District (DF). Its 1988 Constitution states that the Federal Government, the states, the Federal District and the municipal districts will work together to organize their educational systems and assign specific spheres of competence to the various levels of government in terms of these systems. The responsibility for government education is consequently shared as follows, on a non-exclusive priority basis: early childhood education is assigned to the municipal districts; basic education goes to the states, the Federal District and the municipal districts; high school to the states and the Federal District; higher education to the Federal Government and the states.

[29] The Federal Government is responsible for: coordinating the preparation of national plans, rendering technical and financial assistance to the states, the DF and the municipal districts for the development of their education systems, with top priority to mandatory schooling. Furthermore, the Ministry of Education and Sports maintains a federal network of establishments that includes universities, stand-alone institutions providing higher education, technical schools, agricultural colleges and technological education centres, while also supervising the private higher education network.

[30] The federal education network services 110,000 students and consists of 43 agricultural colleges located mainly in rural areas, 19 technical schools located mainly in major state capitals that service the industrial and service sectors, and 36 decentralized education units that are subordinate to them.

[31] Report of Civil Society on Compliance by Brazil with the International Covenant on Economic, Social and Cultural Rights (Relatório da Sociedade Civil sobre o Cumprimento, pelo Brasil, do Pacto Internacional de Direitos Econômicos, Sociais e Culturais), pp. 121 and following.

[32] Areas where runaway slaves sought refuge.

[33] This includes relatively large towns such as Porto Seguro, as well as smaller towns such as Arraial D'Ajuda, Trancoso and Cabrália.

[34] From the standpoint of the "family group", the disabled and their families could well include some 60 million people. Once again, it is important to stress the fact that the National Census currently under way includes for the first time a methodology allowing more accurate assessments.